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SUPPLEMENT No 4, 1910

TO

ASH'S ANNOTATED

GREATER NEW YORK CHARTER

OF

1901

(THIRD EDITION OF 1906.)

CONTAINING AMENDMENTS MADE TO CHARTER AT THE
LEGISLATIVE SESSION OF 1910.

ALSO CONTAINING AMENDMENTS MADE TO NEW YORK CITY
CONSOLIDATION ACT (L. 1882, Ch. 410) IN 1910.

ARRANGED BY

MARK ASH AND WILLIAM ASH.

NEW YORK:
BAKER, VOORHIS & COMPANY,
1910.

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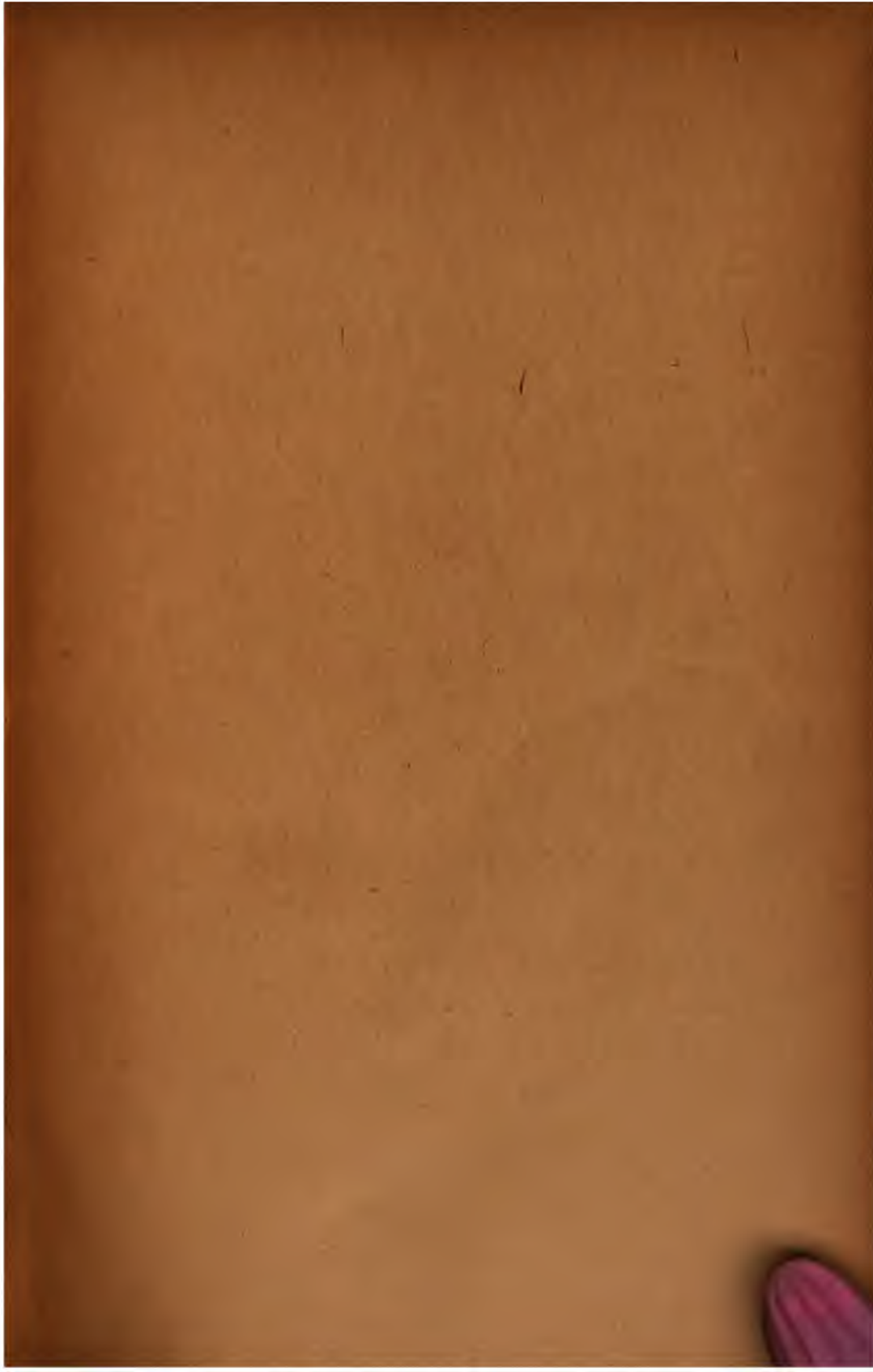
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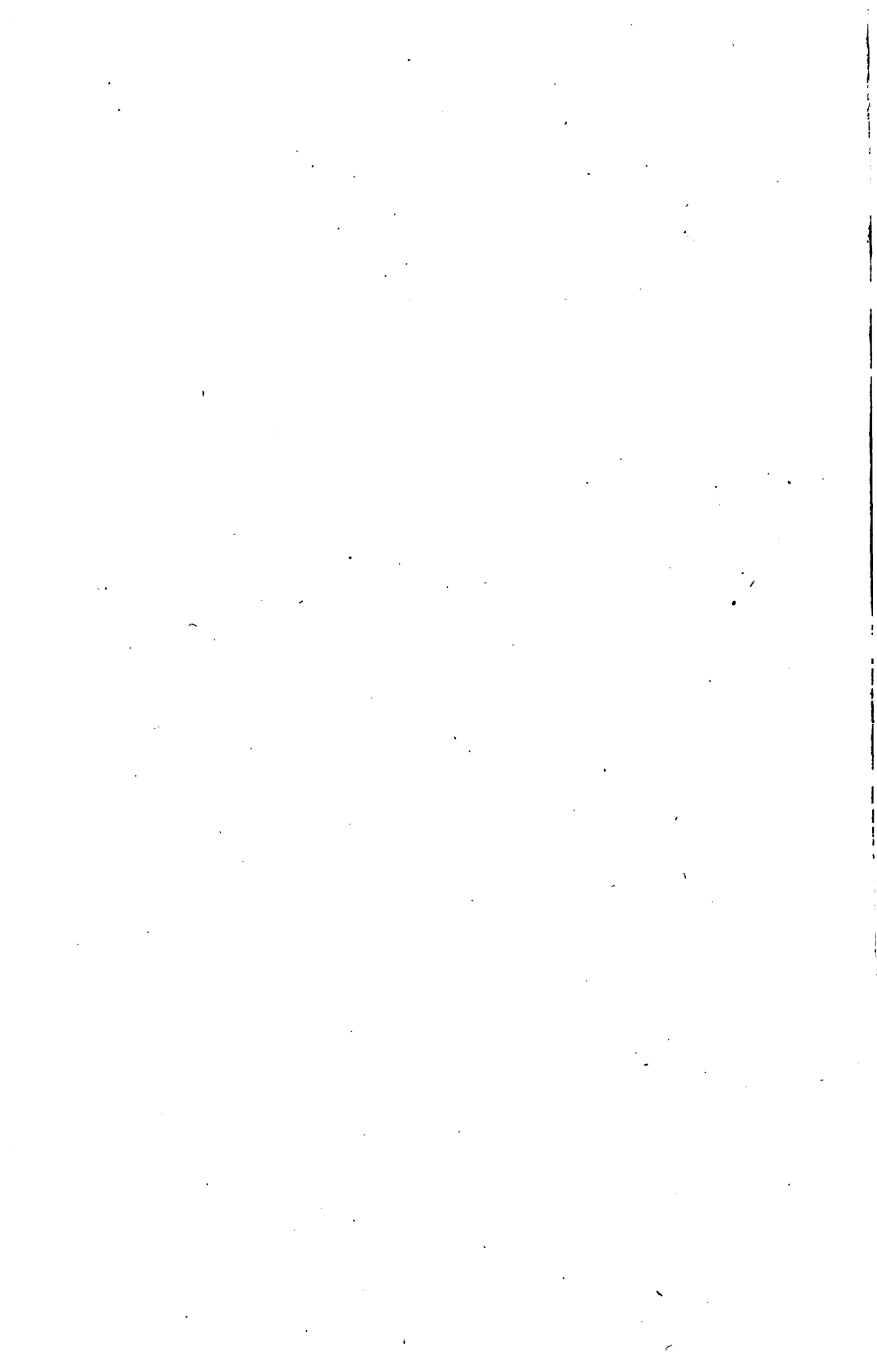


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SUPPLEMENT No. 4, 1910.

TO

ASH'S ANNOTATED

GREATER NEW YORK CHARTER

OF

1901.

(THIRD EDITION OF 1906.)

NOTE.— The following pages contain the amendments to the Greater New York Charter made by the Legislature of 1910. The sections amended are placed in numerical order, and at the end of each section amended will be found the chapter of the act making the amendment.

Licenses to auctioneers.

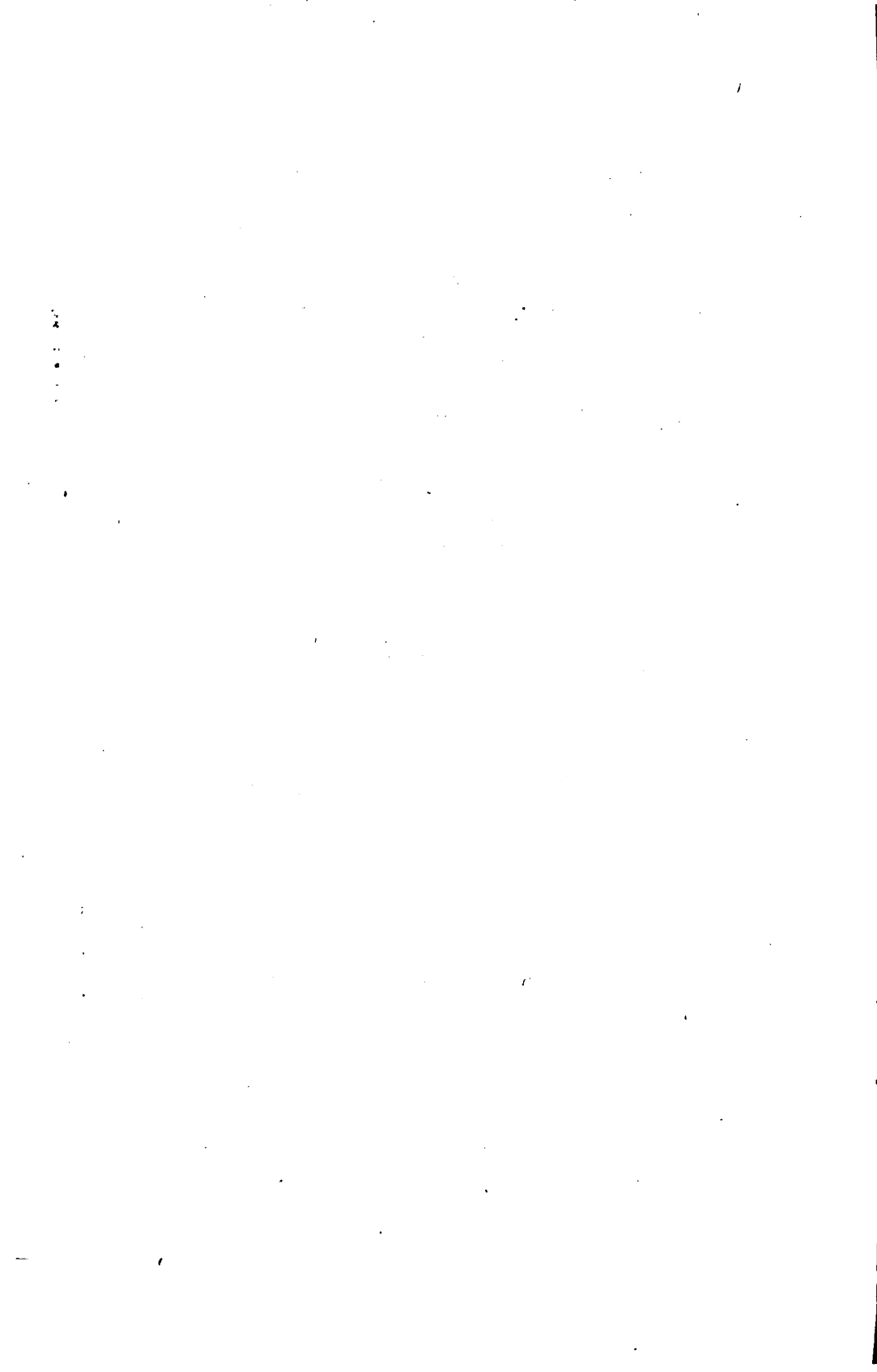
§ 34. The city clerk shall have authority to grant licenses to any person engaged in and carrying on the business and occupation of auctioneer, or desiring to be so engaged, on payment of the sum of one hundred dollars per annum, on such person filing a bond, approved by him, with two good sureties in the penal sum of two thousand dollars. The president of the board of aldermen on complaint of any person having been defrauded by any auctioneer, or by the clerk, agent or assignee of such auctioneer, doing business in said city, is authorized and directed to take testimony under oath relating thereto; and if the charge shall, in his opinion, be sustained, he shall revoke the license granted to such auctioneer, and direct his bonds to be forfeited. No person, persons, corporation or association shall hereafter carry on the business of auctioneer in the city of New York, without having first obtained from the city clerk a license authorizing such person, persons, corporation or associa-

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tion to carry on the business of auctioneer: and no person, corporation or association whose license has been revoked for cause shall again be licensed to carry on the business of auctioneer. Any person or persons, corporation, partnership or association who shall offer for sale, or sell goods of any description, wares, merchandise, real or personal property at vendue or auction without having first obtained from the city clerk a license authorizing such person or persons, corporation, partnership or association to carry on the business of auctioneer, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than twenty-five nor more than one hundred dollars for each offense. But nothing in this section shall apply to a duly appointed marshal of the city of New York who, by virtue of his office by levy under legal process, sells goods, wares and merchandise or real or personal property, thus levied upon by him under such process. (*As amended by L. 1910, ch. 553.*)

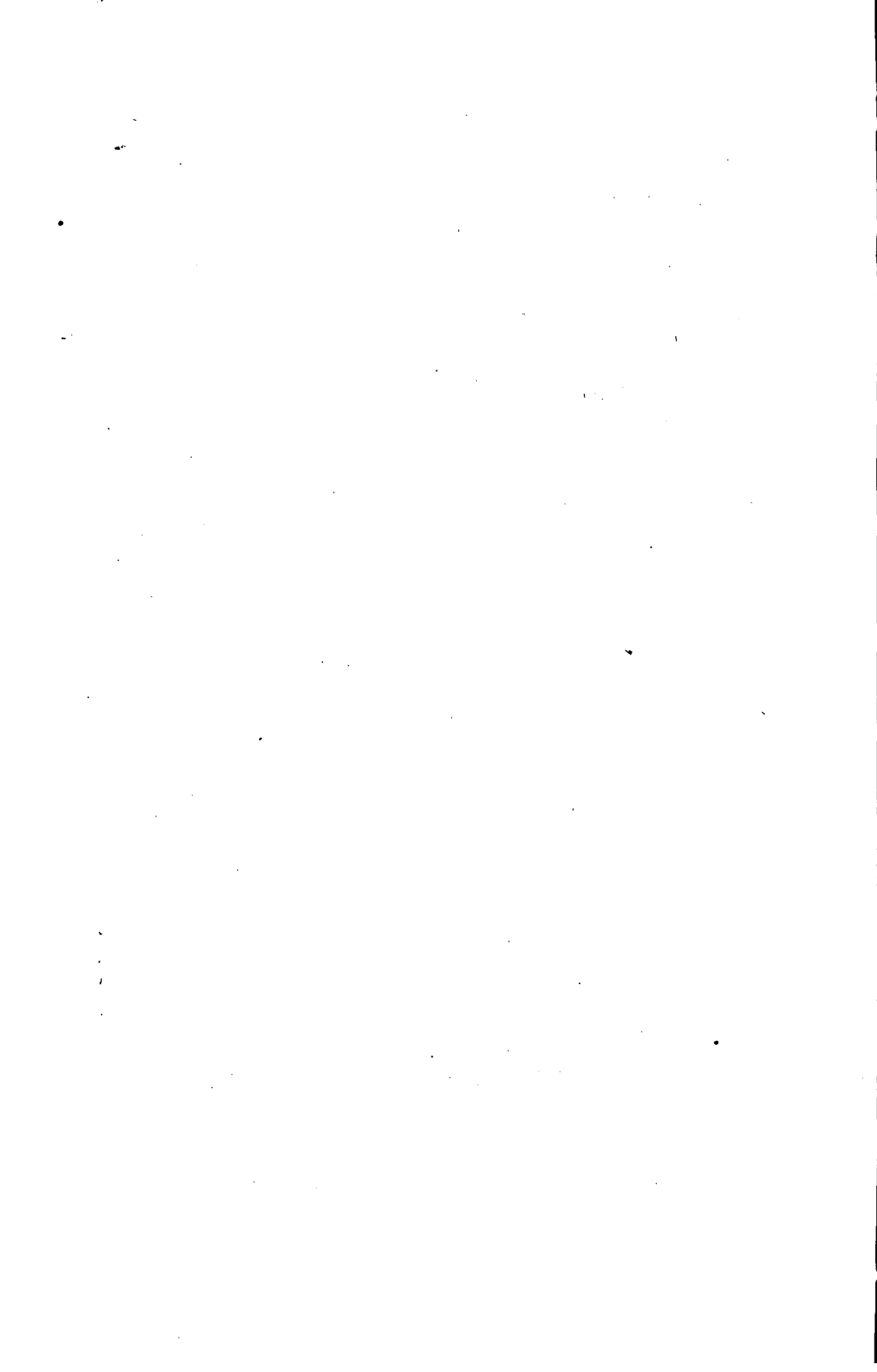
Board of aldermen; licensing and regulating certain trades or business; dog licenses, etc.

§ 51. Subject to the constitution and laws of the state, the board of aldermen shall have power to provide for the licensing and otherwise regulating the business of dirt carts, public cartmen, truckmen hackmen, cabmen, expressmen, car-drivers and boatmen; of boot-blacks; of pawnbrokers, junk-dealers, keepers of intelligence offices, dealers in second-hand articles, hawkers, peddlers, vendors and scalpers in coal freights; of menageries, circuses and common shows; of shooting galleries, bowling alleys and billiard tables for hire; of bone boiling, fat rendering and other noxious businesses; and shall have power to regulate or forbid the keeping of dogs. The board of aldermen shall also have power to regulate the rates of fare to be taken by owners or drivers of hackney coaches, carriages, motors, automobiles or other vehicles, and to compel the owners thereof to pay annual license fees. All ordinances in relation to any of the matters mentioned in this section shall be general, shall provide for the enforcement thereof in the manner specified in section forty-four of this act as amended, and shall fix the license fees to be paid, if any. All licenses shall be according to an established form, and shall be regularly numbered and duly registered as shall be prescribed by the board of aldermen. (*As amended by L. 1910, ch. 262.*)

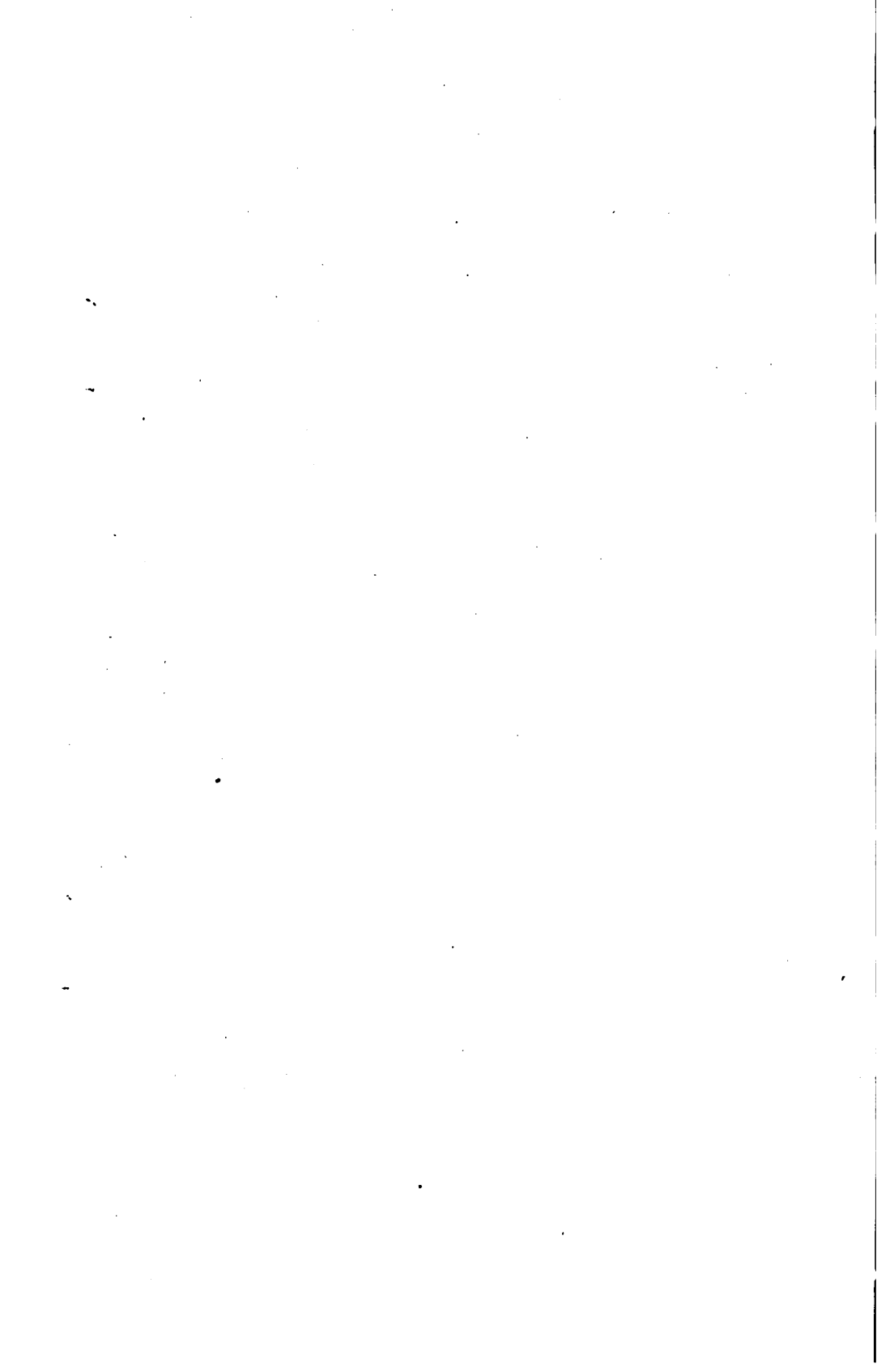


The comptroller; general duties; settlement of claims; assent to certain contracts required; election; salary.

§ 149. The department of finance shall have control of the fiscal concerns of the corporation. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department. It shall prescribe the forms of keeping and rendering all city accounts, and, except as herein otherwise provided, the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employees of the corporation shall be paid. All payments by or on behalf of the corporation, except as otherwise specially provided, shall be made through the proper disbursing officer of the department of finance, on vouchers to be filed in said department, by means of warrants drawn on the chamberlain by the comptroller, and countersigned by the mayor. The comptroller may require any person presenting for settlement an account or claim for any cause whatever, against the corporation, to be sworn before him or before either of the deputy comptrollers; touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. Willful false swearing before the comptroller or deputy comptrollers is perjury and punishable as such. He shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor; but in adjusting and settling such claims, he shall, as far as practicable, be governed by the rules of law and principles of equity which prevail in courts of justice. No claim against the city or against any of the counties contained within its territorial limits, or payable in the first instance from moneys in the city treasury for services rendered or work done or materials or supplies furnished except (1) claims reduced to judgment, or (2) awards, costs, charges and expenses duly taxed or ordered paid in judicial proceedings, or (3) claims arising under the provisions of contracts made at public letting in the manner provided by section four hundred and nineteen of this act, or (4) claims settled and adjusted by the comptroller, pursuant to the authority of this section, shall be paid unless an auditor of accounts shall certify that the charges therefor are just and reasonable; and, except as hereinbefore otherwise provided, all contracts with the city or any of such counties



or with any public officer acting in its or their behalf, shall be subject to such audit and revision by the department of finance. The power hereby given to settle and adjust such claims shall not be construed to authorize the comptroller to dispute the amount of any salary established by or under the authority of any officer or department authorized to establish the same, nor to question the due performance of his duties by such officer, except when necessary to prevent fraud. If in any action at law against The City of New York to recover upon a claim not embraced within the exceptions hereinabove numerically specified, the amount claimed by the plaintiff is in excess of the amount as audited and settled by the department of finance, the plaintiff must establish his claim by competent evidence of value, and no testimony shall be admitted to show a promise or agreement by any officer or employee of the city or of any of the counties contained within its territorial limits, to pay any larger sum than the amount so audited or allowed by the department of finance. The comptroller shall not reduce the rate of interest upon any taxes or assessments below the amount fixed by law. No contract hereafter made, the expense of the execution of which is not by law or ordinance, in whole or in part, to be paid by assessments upon the property benefited, shall be binding or of any force, unless the comptroller shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same, provided, however, that in contracts for the purchase of coal to be delivered within a period of one year from the date thereof, the comptroller shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract in so far as the same is to be executed during the current year, as certified by the officer making the same and upon the first of the following year the comptroller shall certify as herein provided as to the portion of such contract then unexecuted and such certification by the comptroller shall make any such contract for coal binding and of full force. But this provision shall not apply to work done, or supplies furnished, not involving the expenditure of more than one thousand dollars, unless the same is required by law to be



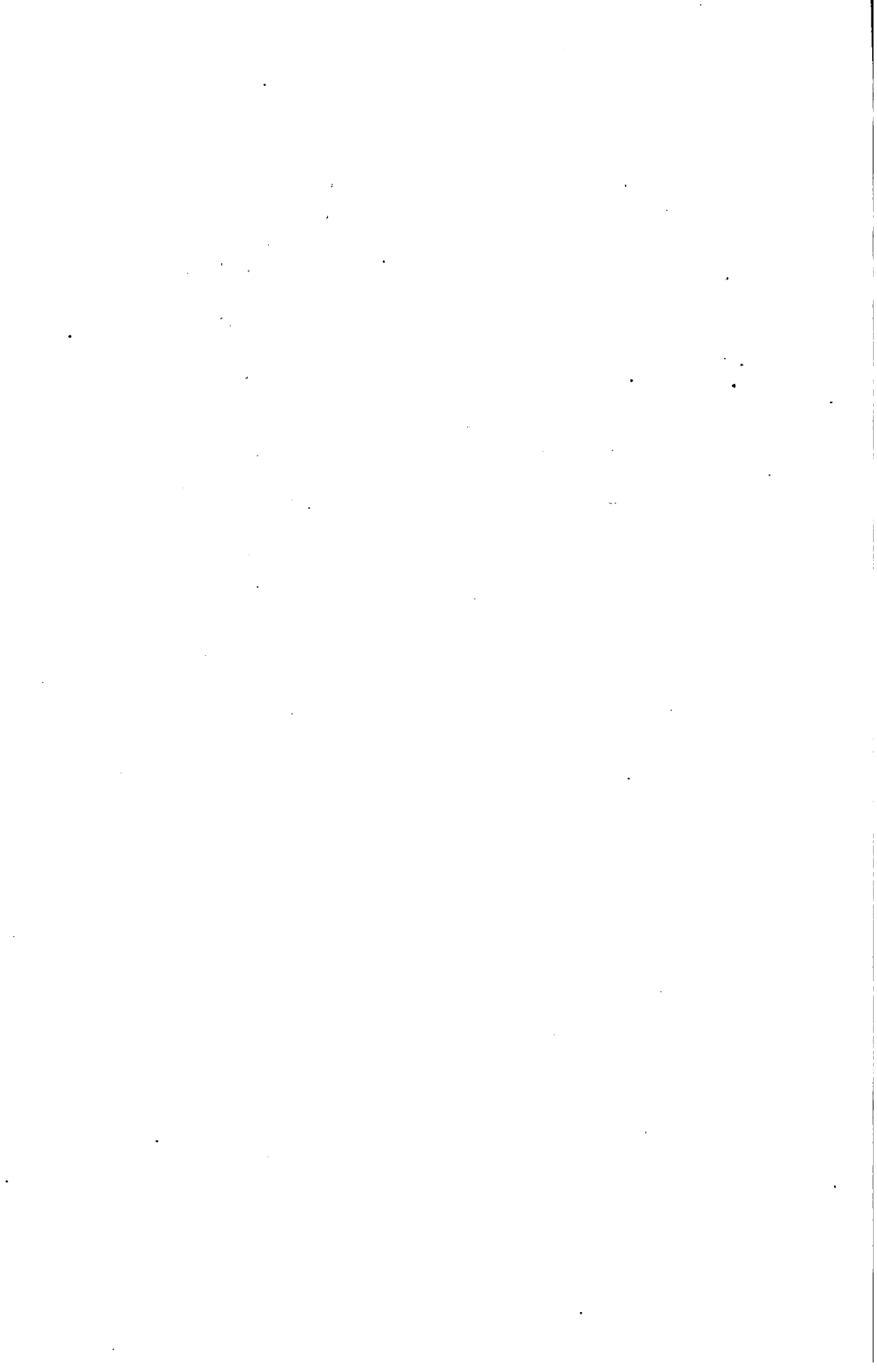
done by contract at public letting. It shall be the duty of the comptroller to make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and to thereafter hold and retain such sum to pay the expense incurred until the said contract shall be fully performed. And such indorsement shall be sufficient evidence of such appropriation or fund in any action. The comptroller shall furnish to each head of department, monthly, a statement of the unexpended balances of the appropriation for his department. Wages and salaries, except as otherwise provided in this act, may be paid upon payrolls, upon which each person named thereon shall separately receipt for the amount paid to such person, and in every case of payment upon a payroll the warrant for the aggregate amount of wages and salaries included therein may be made payable to the superintendent, foreman or other officer designated for the purpose. The comptroller shall enter into, upon behalf of The City of New York, any lease authorized by the commissioners of the sinking fund of property leased to the city. The assent of the comptroller shall be necessary to all agreements hereafter entered into by any city officer, board, commission or department for the acquisition by purchase of any real estate or easement therein, when such an agreement involves an obligation to pay or an expenditure of any money on behalf of the city, and in any proceedings that may hereafter be had to acquire real estate or hereditaments for or on behalf of the corporation of The City of New York, before an award shall be confirmed, imposing an obligation upon the city to pay any moneys, the comptroller shall have thirty days' notice in writing, stating before whom and at what time such proceeding will take place; but nothing hereinbefore contained shall affect the board of rapid transit railroad commissioners existing under chapter four of the laws of eighteen hundred and ninety-one as amended. The comptroller of The City of New York shall be elected and hold office as provided in this act, and shall receive an annual salary of fifteen thousand dollars, and shall account to and pay into the city treasury all fees and emoluments to which he may be entitled under the general tax law of the state of New York and all other statutes, whether general or special. (*As amended by L. 1910, ch. 545.*)

Corporate stock of The City of New York; how issued; provisions as to bonded indebtedness.

§ 169. All bonds issued by The City of New York on and after January first, eighteen hundred and ninety-eight, in pursuance of laws already passed or which may hereafter be passed, or in pursuance of the provisions of this act, excepting assessment bonds, revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act, shall be known as "corporate stock of The City of New York." For the redemption and payment of said corporate stock and the interest thereon, the faith and credit of The City of New York shall be and is hereby pledged. Such corporate stock shall be in such form as may be designated by the comptroller, and shall be signed by the said comptroller and the mayor of The City of New York, and sealed with the common seal of The City of New York, and attested by the city clerk. Such corporate stock shall be in coupon form in sums not less than five hundred dollars each share, or shall be registered, and shall be conditioned to be paid in gold coin, or in the legal currency of the United States, at the option of the commissioners of the sinking fund and shall be made redeemable at a period of not more than fifty years from the date thereof. The commissioners of the sinking fund may, in their discretion, provide that such corporate stock shall be redeemable, before maturity at its face value with accrued interest, at the option of the said commissioners after such date as said commissioners may determine and cause to be set forth in such certificates of corporate stock. Such corporate stock and all assessment bonds, revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of sections one hundred and eighty-seven of this act, as well as all bonds hereafter to be issued by The City of New York, by virtue of this act or of any other act, whether general or special, shall be free and exempt from all taxation, except for state purposes. The interest on such corporate stock and on all other bonds of the corporation, except revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act, shall be at such a rate as the board of commissioners of the sinking fund may pre-

scribe, and shall be made payable quarterly or semi-annually in The City of New York, or at such other place as may be fixed by the said comptroller, at the time of issue of said stock or bonds; provided, however, that the interest on certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act may be made payable at the date of maturity thereof or at such time or times as the comptroller in his discretion may designate. Such corporate stock may be authorized to be issued by the board of estimate and apportionment without the concurrence or approval of any other board or public bids for the following purposes, and within the following limitations:

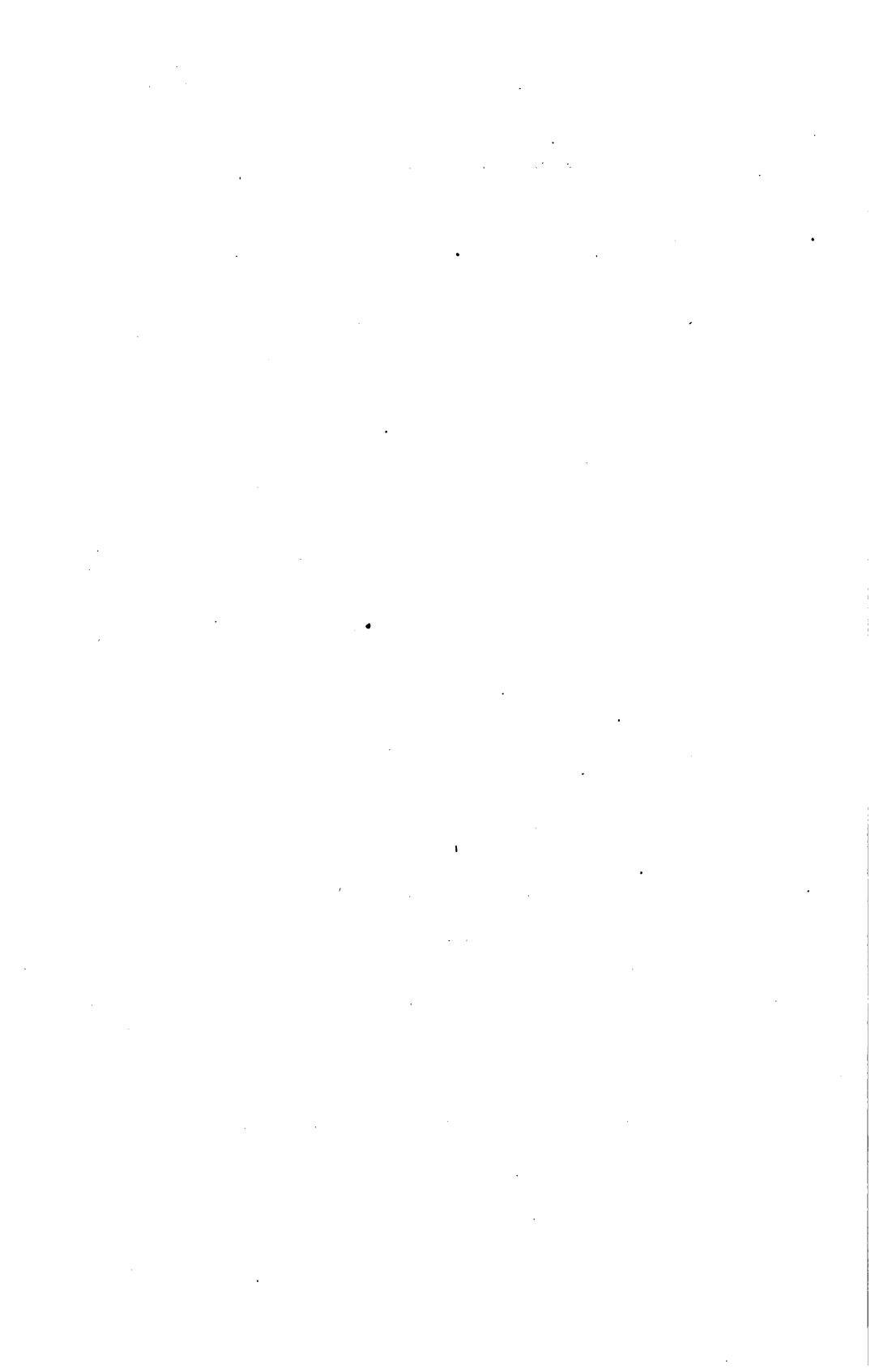
1. For the purposes specified in section one hundred and seventy of this act;
2. For the purposes specified in section one hundred and seventy-four of this act;
3. For the purposes specified in section one hundred and seventy-six of this act;
4. For the purposes specified in section one hundred and eighty-four of this act;
5. For the purposes specified in section two hundred and thirty-five of this act;
6. For the purposes specified in section four hundred and twenty-two of this act;
7. For the purposes specified in section one hundred and seventy-eight of this act, to an amount not exceeding two million dollars in any one calendar year;
8. To pay the awards, costs, charges and expenses of acquiring title to lands required for public purposes and which have been or may hereafter be authorized by or pursuant to law;
9. For constructing and equipping school buildings and acquiring sites therefor to an amount not exceeding three million five hundred thousand dollars, in any one calendar year;
10. For the repaving of streets to an amount not exceeding three million dollars, in any one calendar year;
11. For the improvement of parks, parkways and drives, to an amount not exceeding five hundred thousand dollars, in any one calendar year.



Corporate stock to be issued for purposes other than those hereinbefore in this section specifically enumerated, or for such purposes in excess of the amounts therein specified, shall be authorized by the board of aldermen, with the approval of the board of estimate and apportionment, as provided by section forty-seven of this act; provided, however, that wherever by existing provisions of law the commissioners of the sinking fund may be specifically authorized to provide for the issue of stocks or bonds, said authorization of the comptroller shall be made by said commissioners instead of said board of estimate and apportionment; and that nothing in this section contained shall affect the provisions of sections one hundred and eighty and two hundred and thirteen of this act; provided, however, that nothing in this section shall prevent the issue of general fund bonds in the manner provided by section two hundred and twenty-two of this act. The City of New York shall not, except as hereinafter provided, expend any part of proceeds of sales of corporate stock for the purpose of paying operating expenses of said city as hereinafter defined. The term "operating expenses," as used in this section, includes expenses for maintenance, repairs and current operation or administration of the property and government of the city; and excludes expenditures by the city for betterments, improvements and acquisitions of property of a permanent nature; but expenditures made or incurred by the board of water supply, the aqueduct board, and, prior to January first, nineteen hundred and ten, by the department of docks shall not be considered operating expenses within the meaning of this act. (*As amended by L. 1910, ch. 683.*)

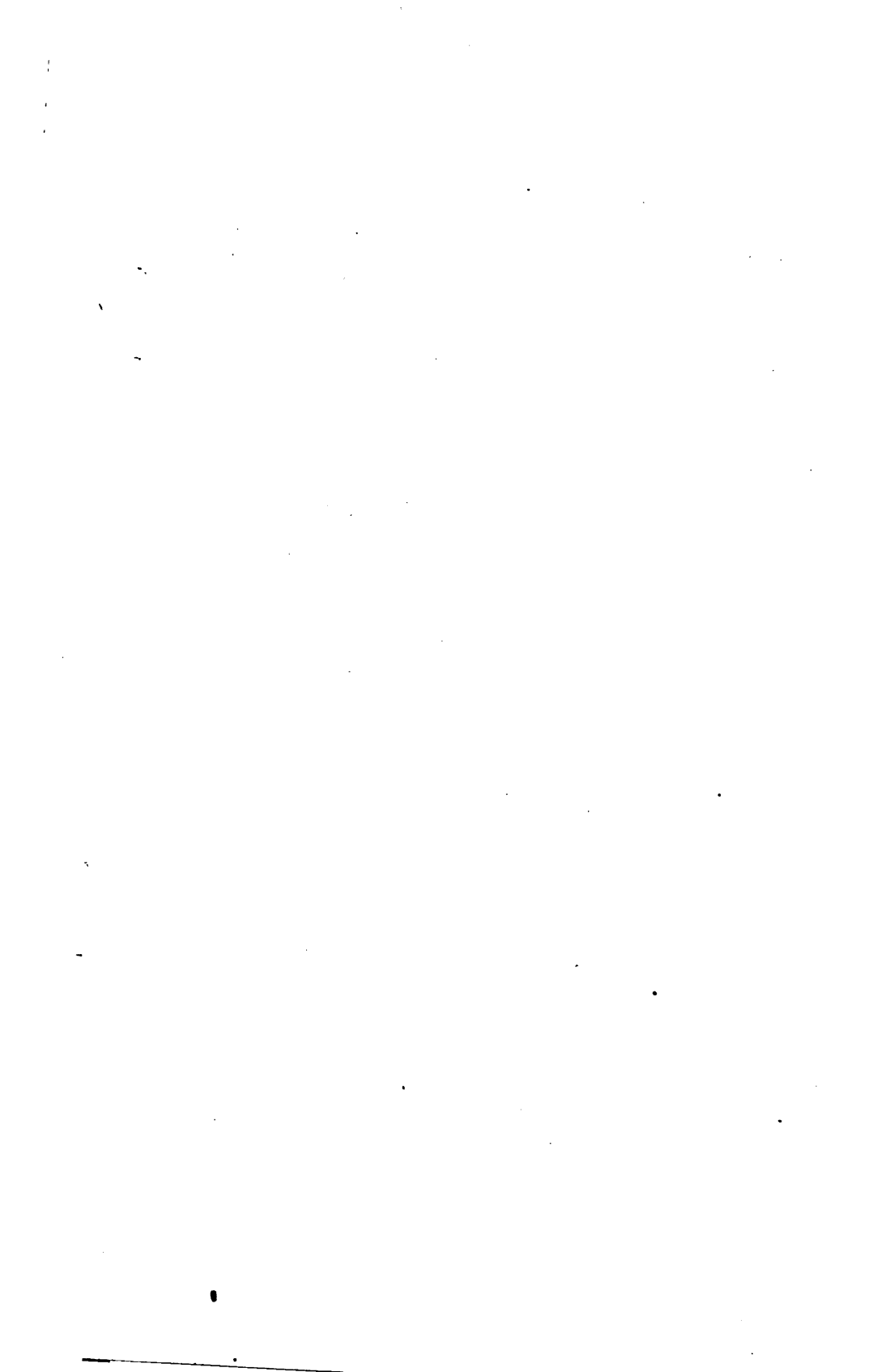
This section of the charter contains the provisions regulating the bonded indebtedness of the city of New York, which is limited by the terms of the State Constitution, Article VIII, section 10.

This article of the Constitution was amended in important respects, in 1909, by excluding from the limit of the ten per cent. indebtedness of the assessed valuation of the real estate of the city subject to taxation, debts incurred by the city for any rapid transit or dock investment, the legislature to prescribe the method under which the latter debts shall be excluded. The article of the Constitution as amended in 1909, and chapter 276 of the Laws of New York, 1910, passed by the legislature pursuant thereto, materially affect section 169 of the Charter, and are therefore printed below.



N. Y. CONSTITUTION, ARTICLE VIII, AS AMENDED IN 1909.

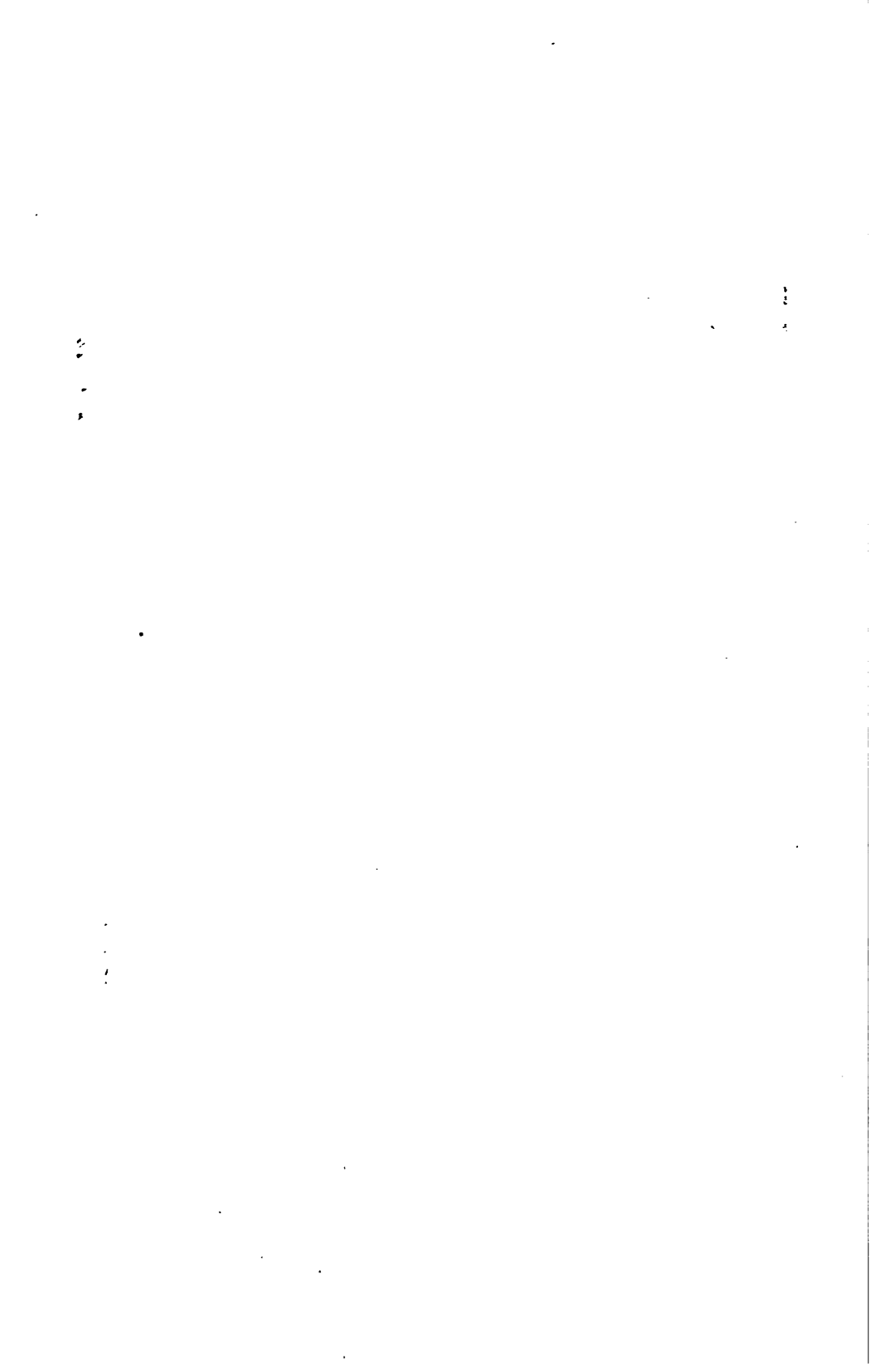
§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the terms of the bonds issued to provide the supply of water, in excess of the limitation of indebtedness fixed herein, shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, and debts incurred by any city of the third class after the first day of January, nineteen hundred and ten, to provide for the supply of water, shall not be so included; and except further that any



debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual instalments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization instalments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization instalments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined and no such debt shall be so excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the Supreme Court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

LAWS 1910, CHAPTER 276.

An Act to prescribe the method by which and the terms and conditions under which shall be determined the amount of any debt incurred by the city of New York for any rapid transit or dock investment prior to the first day of January, nineteen hundred and ten, which may be excluded in ascertaining the power of the city of New York to become otherwise indebted, pursuant to the provisions of section ten of article eight of the constitution,



and to confer jurisdiction on the appellate division of the supreme court in the first judicial department to determine the amount of any debt to be so excluded.

Became a law May 11, 1910, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of the city of New York shall, whenever so required by the board of estimate and apportionment of said city, prepare and submit to said board a statement showing in detail indebtedness incurred by the city of New York for any rapid transit or dock investment prior to the first day of January, nineteen hundred and ten, with the dates of maturity of such indebtedness, the terms of any and all agreements and contracts made by or in behalf of said city with respect to such investment, the gross revenue received therefrom, the interest paid and to be paid by said city on said indebtedness, the annual instalments necessary for the amortization thereof, and the current net revenue derived from said investment, and the said comptroller, as well as other public officers and boards, shall furnish such other and further data and information with respect to such rapid transit or dock investment in their possession as shall be required by said board, to enable said board to ascertain the proportion of the interest and amortization instalments of such indebtedness which the current net revenue received by the city from such investment is sufficient to meet.

§ 2. The city of New York, acting by said board, may present to the appellate division of the supreme court in the first judicial department a verified petition, setting forth the facts and praying for a determination of the amount of any such debt which may be excluded in ascertaining the power of the said city to become otherwise indebted under the provisions of section ten of article eight of the constitution of the state of New York; and jurisdiction is hereby conferred upon said appellate division to make such determination. In all proceedings under this act the petition or answer of the city shall be presumptive evidence of the material facts stated therein.

§ 3. After the filing of the petition the board shall cause to be published not less than once a week for two weeks in the City Record and in six daily newspapers of general circulation published in the city of New York to be designated by the said appellate division, at least one of which shall be published in the borough of Brooklyn, a notice that an application will be made to the appellate division on a day therein specified, which shall be not less than two weeks nor more than five weeks from the date of the first publication of the notice, for the determination prayed for in the petition. In the notice published in the City Record as aforesaid the petition shall be printed at length.

§ 4. On the return day of the notice, parties in interest, including tax-

payers and owners or holders of bonds or corporate stock of the city of New York may appear in person or by attorney and file with the appellate division a verified answer to the petition aforesaid.

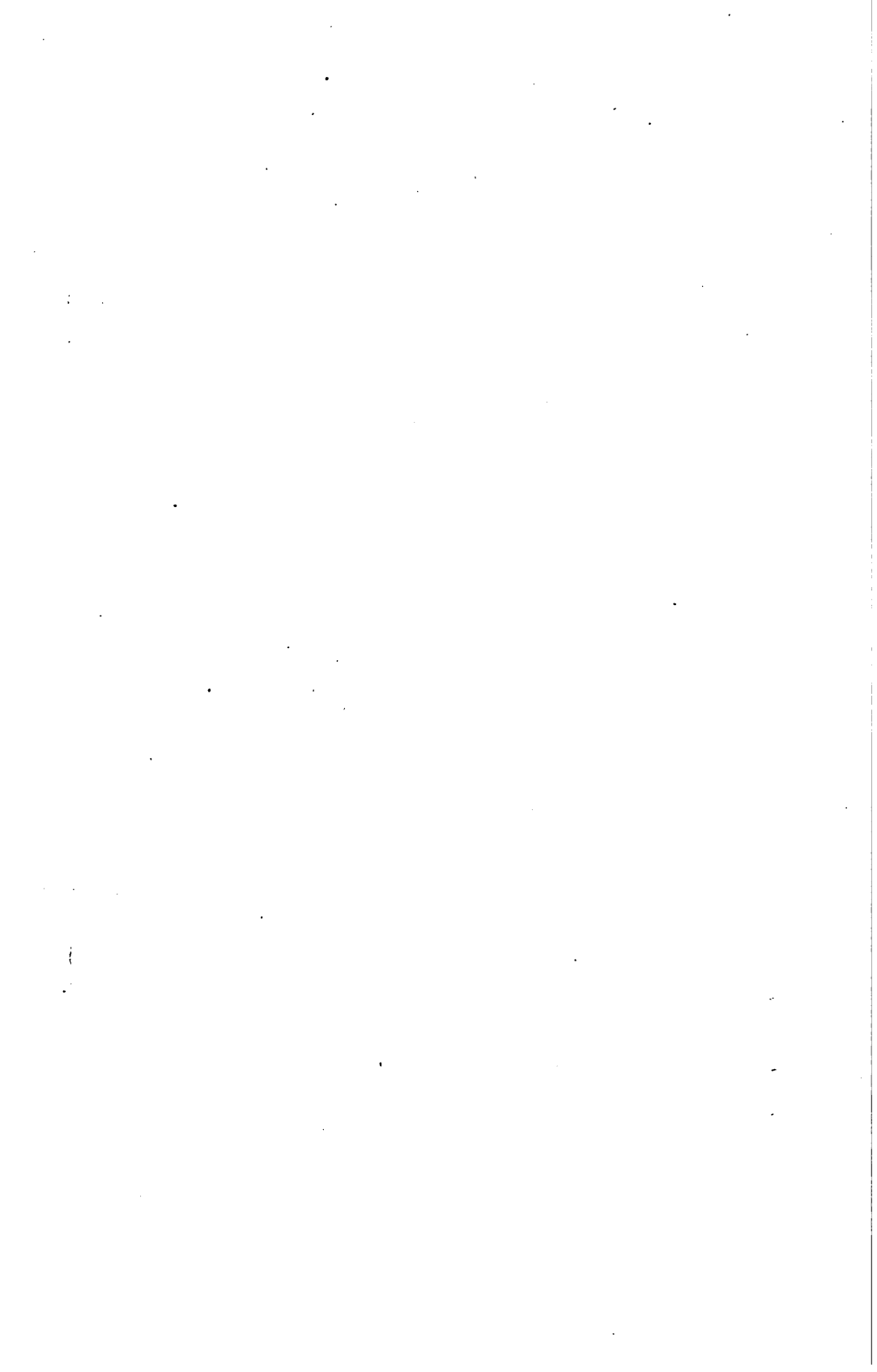
§ 5. If, upon the filing of any answer as aforesaid, it shall appear to the appellate division that there are any material issues of fact to be determined, the appellate division shall thereupon by order direct that on a day therein appointed one of the justices of the supreme court sitting without a jury in the county of New York shall take the evidence thereon proceeding from day to day. The evidence so taken shall be reported forthwith to the appellate division.

§ 6. On the return day of the notice aforesaid, or, if evidence be taken, then after the report thereon by the justice taking it, the appellate division shall appoint a time as early as may be at which it will hear argument and thereupon the parties shall file and serve their briefs in accordance with the directions of the appellate division. At the argument each party shall be heard.

§ 7. After hearing the allegations and proofs of the parties the appellate division shall with all convenient speed make its decision, stating separately the facts found and the conclusions of law. Or, if no evidence be ordered to be taken, the appellate division may on the return day of the notice, or as soon thereafter as may be, make its decision, stating separately the facts found and the conclusions of law. Upon making the decision aforesaid the appellate division shall make a final order determining the amount of indebtedness incurred prior to the first day of January, nineteen hundred and ten, which may be excluded in determining the power of the city to become otherwise indebted under the provisions of section ten of article eight of the constitution of the state.

§ 8. Upon the making of an order by said court determining that the whole amount of any indebtedness incurred by said city for a rapid transit or dock investment prior to the first day of January, nineteen hundred and ten, shall be excluded in ascertaining the power of said city to become otherwise indebted, such indebtedness shall be wholly excluded in ascertaining the power of said city to become otherwise indebted; and upon the making of an order by said court determining that a part only of such indebtedness shall be so excluded, the amount determined by said court in said order to be so excluded shall be excluded in ascertaining the power of said city to become otherwise indebted, provided, however, that any increase in the debt incurring power of the city of New York, which shall result from the exclusion of debt incurred prior to the first day of January, nineteen hundred and ten, shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes.

§ 9. The determination of the appellate division herein provided for shall not be subject to collateral attack, appeal or review of any kind whatsoever, but shall be in all respects final and conclusive upon all persons and corporations whatsoever, and the proceeding herein provided for shall be the sole and exclusive method of determining the amount of any indebtedness heretofore incurred by the city of New York for rapid transit or dock



investments which may be excluded in ascertaining the power of the city to become indebted under the provisions of section ten of article eight of the constitution of the state.

§ 10. At any time, and from time to time, after the determination aforesaid, the said appellate division must entertain an application made by the city of New York, and in its discretion and upon such terms as shall seem to it to be advisable, and upon a verified petition containing the matters specified in section one of this act, with such other or further matters as it may require, may grant leave to any taxpayer, or any owner of bonds or corporate stock of said city, to give notice of an application, for a subsequent determination of the indebtedness which may be excluded as aforesaid. Upon any such application, the proceedings shall be the same as herein directed in the case of an original application.

§ 11. This act shall take effect immediately.

Issue of stock or bonds by The City of New York to take the place of bonds authorized to be issued by laws enacted prior to January first, eighteen hundred and ninety-eight.

§ 170. Whenever, and to the extent to which, it may be lawful for the municipal or public corporations of parts thereof, including the counties of Kings and Richmond, which by this act are made part of the corporation of The City of New York, to issue for public purposes bonds pursuant to laws enacted prior to January first, eighteen hundred and ninety-eight, it shall be lawful for The City of New York, as hereby constituted, to issue corporate stock as herein provided for the same purposes; provided, however, that the amount so to be issued shall not in any one case exceed the balance remaining unissued of the amount limited to be issued pursuant to the authority of said laws. In similar instances assessment bonds and certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act of The City of New York, as hereby constituted, may likewise be so issued, subject to the same limitations as to the amount thereof. (*As amended by L. 1910, ch. 683.*)

Fund for street and park openings.

§ 173. The fund heretofore established and accumulated in the treasury of the corporation known as the mayor, aldermen and commonalty of The City of New York, entitled the "fund for street and park openings," shall be continued in the corporation

of The City of New York, as hereby constituted. The said fund for street and park openings shall consist of:

1. Whatever cash balance in said fund may upon January first, eighteen hundred and ninety-eight, be on deposit in the treasury of the corporation known as the mayor, aldermen and commonalty of The City of New York.

2. Whatever cash balances there may be upon January first, eighteen hundred and ninety-eight, in the treasuries or standing to the credit of the several municipal or public corporations or parts thereof which by this act are made part of the corporation of The City of New York and which said cash balances may be applicable to the payment of damages awarded by the commissioners of estimate and assessment in reports heretofore confirmed or hereafter to be confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel or approach thereto, and all the costs and expenses of such proceedings heretofore or hereafter taxed.

3. Such sums as may be raised by taxation in The City of New York, and the proceeds of such bonds as may be issued as by this act provided to meet the expense, in whole or in part, of any of the objects and purposes in the preceding subdivision of this section specified.

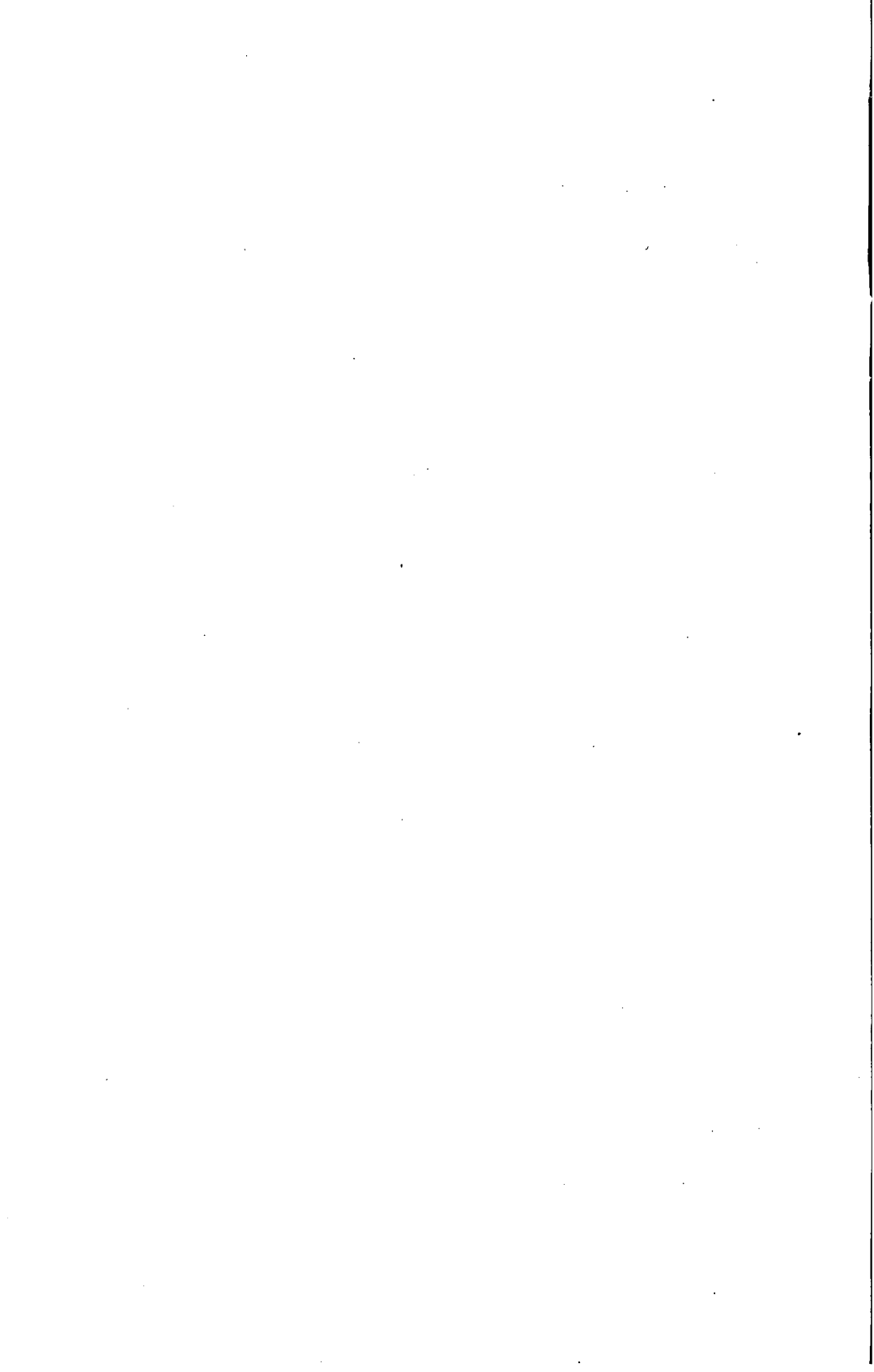
4. All money hereafter collected by The City of New York, as hereby constituted, for or on account of assessments made and confirmed and hereafter to be made and confirmed for opening any street, road, avenue, boulevard, public square or place, park or parkway, or for acquiring title to land required for any bridge, tunnel or approach thereto, wholly or partly within the limits of the several municipal or public corporations or parts thereof, which by this act, are made part of the corporation of The City of New York.

5. All moneys received from the sale of street and park opening assessment bonds or certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act issued and sold under authority of section one hundred and seventy-four of this act. All such street and park opening assessment bonds shall when due be paid from the said fund for street and park openings and in case the

said fund shall be insufficient for that purpose, it shall be lawful for the comptroller when thereto authorized by the board of estimate and apportionment, without the concurrence or approval of any other board or public body to issue corporate stock of The City of New York for an amount sufficient to pay the street and park opening assessment bonds so falling due, as aforesaid; or the comptroller may, in his discretion, for such purpose, issue street and park opening assessment bonds in the manner provided in section one hundred and seventy-four of this act. (*As amended by L. 1910, ch. 683.*)

Damages, et cetera, to be paid from fund for street and park openings.

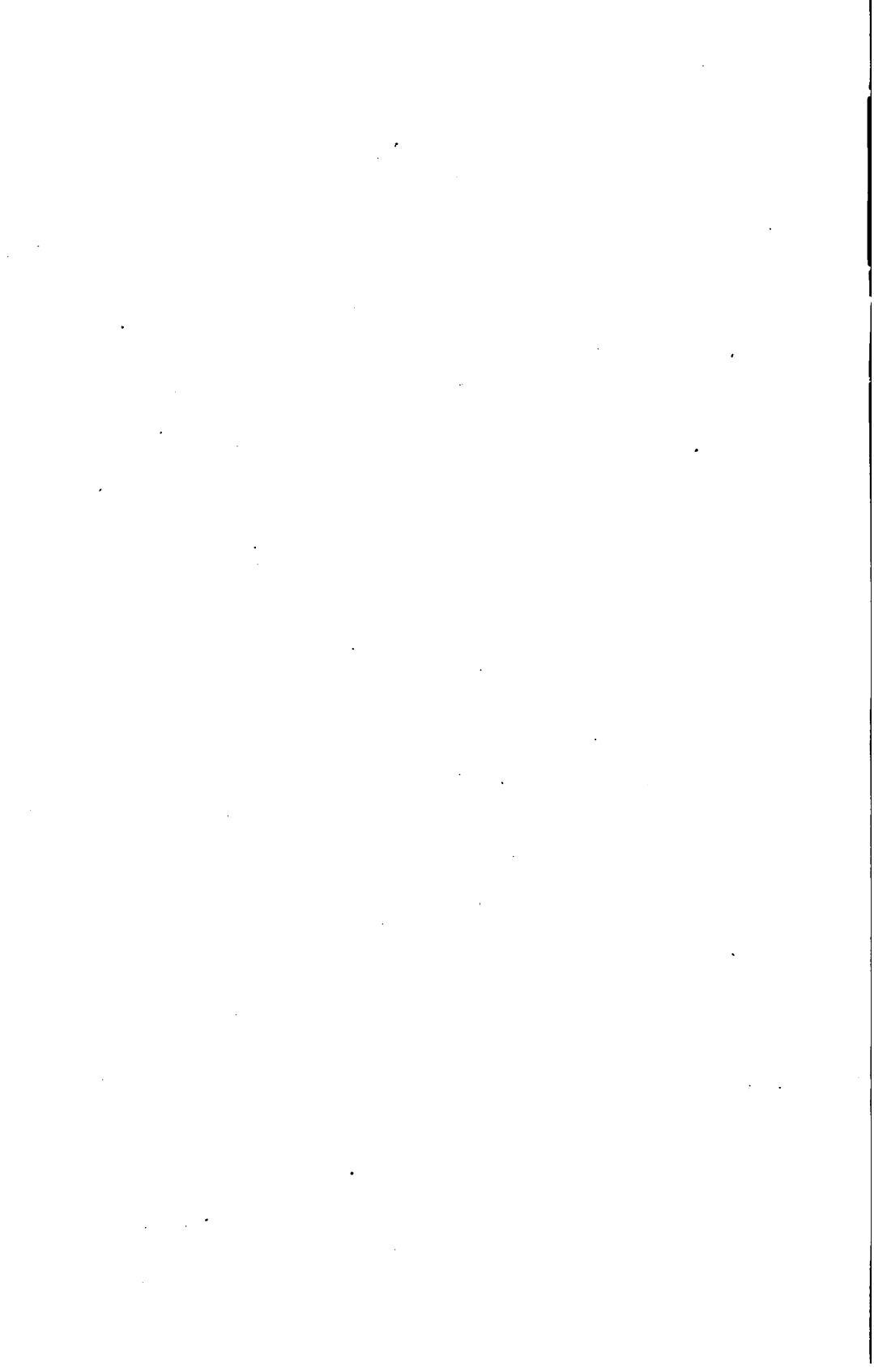
§ 174. From the said fund for street and park openings, and not otherwise, shall be paid all damages awarded by the commissioners of estimate and assessment in reports hereafter or heretofore confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel, or approach thereto in The City of New York, as hereby constituted, and all the costs and expenses of such proceedings heretofore or hereafter taxed. The person or persons to whom awards shall be made in such proceedings, wherein reports are or have been confirmed, and the person or persons in whose favor costs and expenses may be or have been taxed, shall not have an action at law against The City of New York for such awards, costs or expenses, but may require the officers of said city to raise, as hereafter provided, the money necessary to enable the comptroller to pay such awards, costs and expenses from the said fund, and thereafter compel the payment of such damages, costs and expenses from such fund. Whenever the amount of the damages awarded in any report, together with the costs of the commissioners and the charges and expenses, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller is authorized to raise by the issue and sale of certificates of indebtedness and other evidences of indebtedness to be redeemed out of the tax levy for the year next succeeding the year of their issue or in his discretion to raise by the issue and sale of street and park opening assessment bonds at not less than par for such periods as he may determine not exceeding ten years and bearing interest at such



a rate as the board of commissioners of the sinking fund may prescribe, such amounts as shall be necessary to pay such damages, costs and expenses, but not to exceed the amount of assessments remaining uncollected and a lien upon lands assessed for the benefit of street and park openings added to the amount of the assessments that remain to be imposed in proceedings in which the awards only have been confirmed; provided, however, that in each and every case in which by virtue of any existing statute or any statute hereafter enacted, or by virtue of any act or resolution heretofore or hereafter adopted by any board or body pursuant to any statute, the whole or any portion of the awards made in any proceeding, and of the costs and expenses thereof, are payable out of the fund for street and park openings and are not to be assessed upon the property benefited, but are to be borne and paid by The City of New York, the board of estimate and apportionment may, in its discretion, direct that the amount so to be borne and paid by said City of New York shall be raised by the issue and sale of corporate stock of The City of New York, and the comptroller shall thereupon issue and sell said stock at such times and in such amounts as may be necessary, and shall pay the proceeds thereof into said fund for street and park openings. (*As amended by L. 1910, ch. 683.*)

Replenishment of said fund.

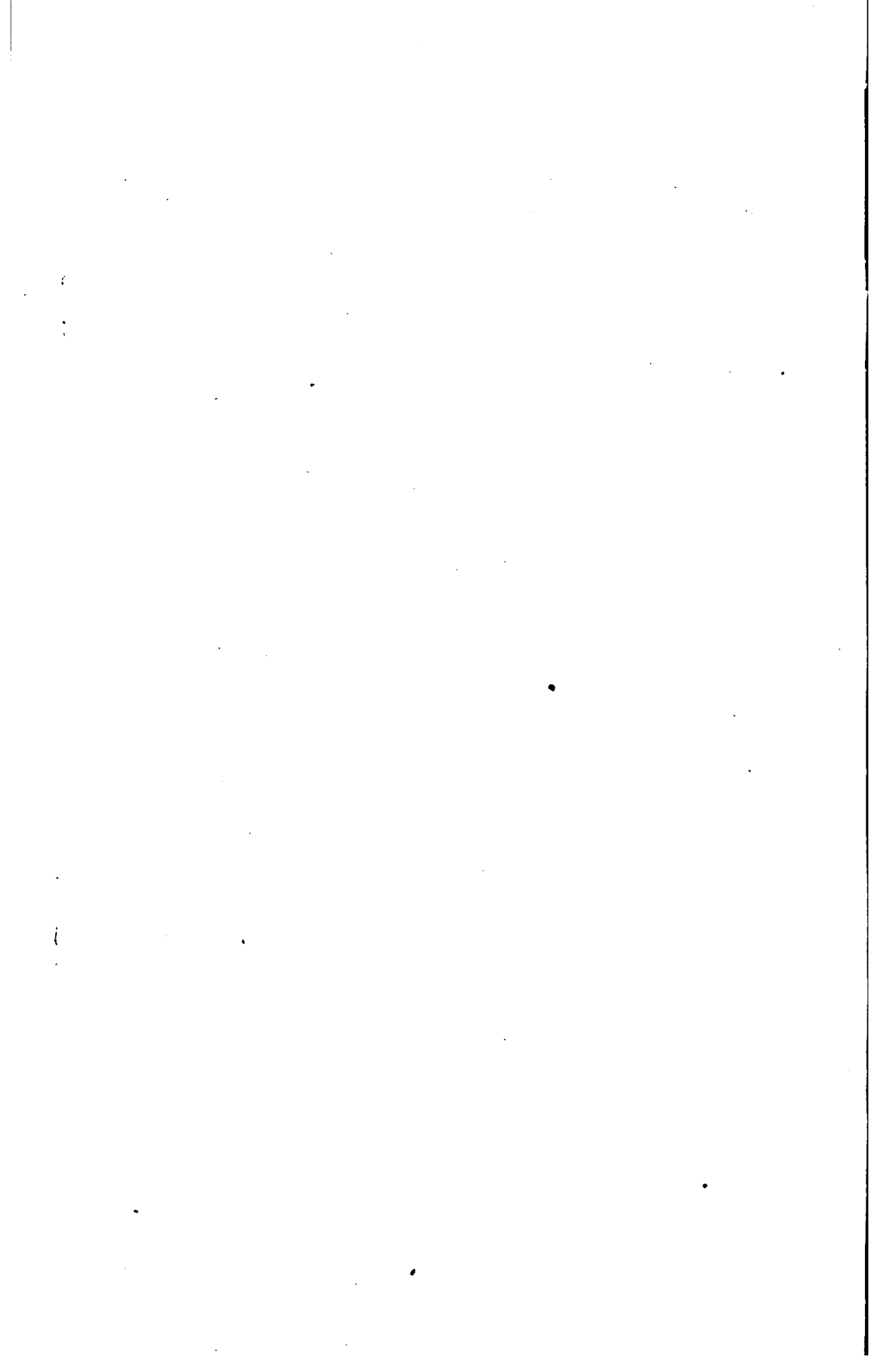
§ 175. The corporation counsel shall furnish to the board of estimate and apportionment in each year, at the time of making the estimate for the ensuing year, a list of all reports confirmed for the twelve preceding months with a statement of the amount of awards and costs taxed in each proceeding. The comptroller shall at the same time furnish to the said board statements of the amount of such awards and costs already paid, and of the amounts due for awards and costs payable from the said fund and still unpaid, and of the amounts of revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act then outstanding, issued in pursuance of the last preceding section, and of the balance in the treasury to the credit of the said fund. The board of aldermen and the said board shall thereupon include in the annual budget for the ensuing year a sum sufficient,



with such balance, to pay all claims for the awards and costs in all proceedings in which reports shall have been prior to that time confirmed, and which awards shall not then have been paid, and also a sum sufficient to pay and discharge the revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act then outstanding and issued in pursuance of the last preceding section. (*As amended by L. 1910, ch. 683.*)

Proposals for city bonds or stocks; conditions and deposit.

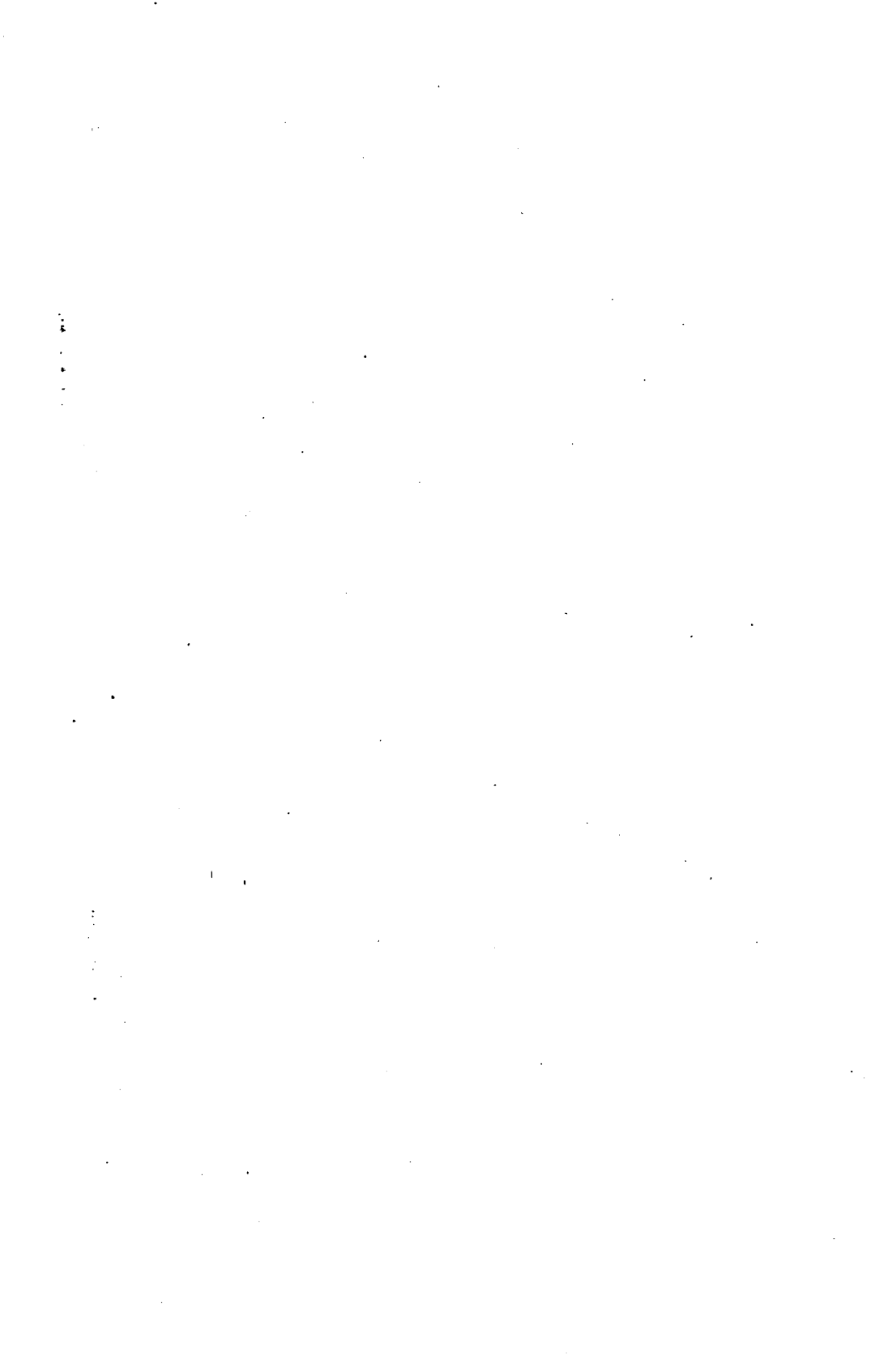
§ 182. Whenever any bonds or stock shall be hereafter issued, other than certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act, or such bonds and stocks as may be purchased for investment by the commissioners of the sinking fund, the comptroller shall invite proposals therefor by public advertisement, for not less than ten days, and shall award the same to the highest bidder or bidders therefor; provided, that no proposals for bonds or stocks shall be accepted for less than the par value of the same; and said proposals shall only be publicly opened by the comptroller, in the presence of the commissioners of the sinking fund, or such of them as shall attend. It shall be a condition of sale of such bonds and stocks, and the advertisement calling for proposals therefor shall so declare, that every bidder may be required to accept a portion of the whole amount therefor bid by him at the same rate or proportional price as may be specified in his bid; and any bid which conflicts with this condition shall be rejected; provided, however, that any bidder offering to purchase all or any part of the bonds offered for sale at a price at par or higher may also offer to purchase all or none of said bonds at a different price, and if the comptroller deems it to be in the interest of the city so to do, he may award the bonds to the bidder offering the highest price for all or none of said bonds; provided, however, that if the comptroller deems it to be in the interests of the city so to do, he may reject all bids. Every bidder, as a condition precedent to the reception or consideration of his proposal, shall deposit with the comptroller a certified check, drawn to the order of said comptroller upon a trust company or a state bank incorporated and doing business under the laws of



the state of New York, or a national bank, or a sum of money ; such check or money to accompany the proposal to an amount to be fixed by the comptroller not exceeding two and one-half per centum of the amount of the proposal. Within three days after the decision as to who is or are the highest bidder or bidders, the comptroller shall return all deposits made to the persons making the same, except the deposit made by the highest bidder or bidders, and if the said highest bidder or bidders shall refuse or neglect, within five days after service of written notice of the award to him or them, to pay to the city chamberlain the amount of the stocks or bonds awarded to him or them at their par value, together with the premium thereon, less the amount deposited by him or them, the amount or amounts of deposit thus made shall be forfeited to and retained by said city as liquidated damages for such neglect or refusal, and shall thereafter be paid into the sinking fund of The City of New York, for the redemption of the city debt. If at any time a portion of the bonds and stock which are offered at public sale in conformity with the provisions of this section shall fail to be sold, the comptroller is hereby authorized to sell at private sale, for not less than the par value thereof, the said portion of said bonds and stock which failed to be sold. (*As amended by L. 1910, ch. 683.*)

Bonds for state taxes.

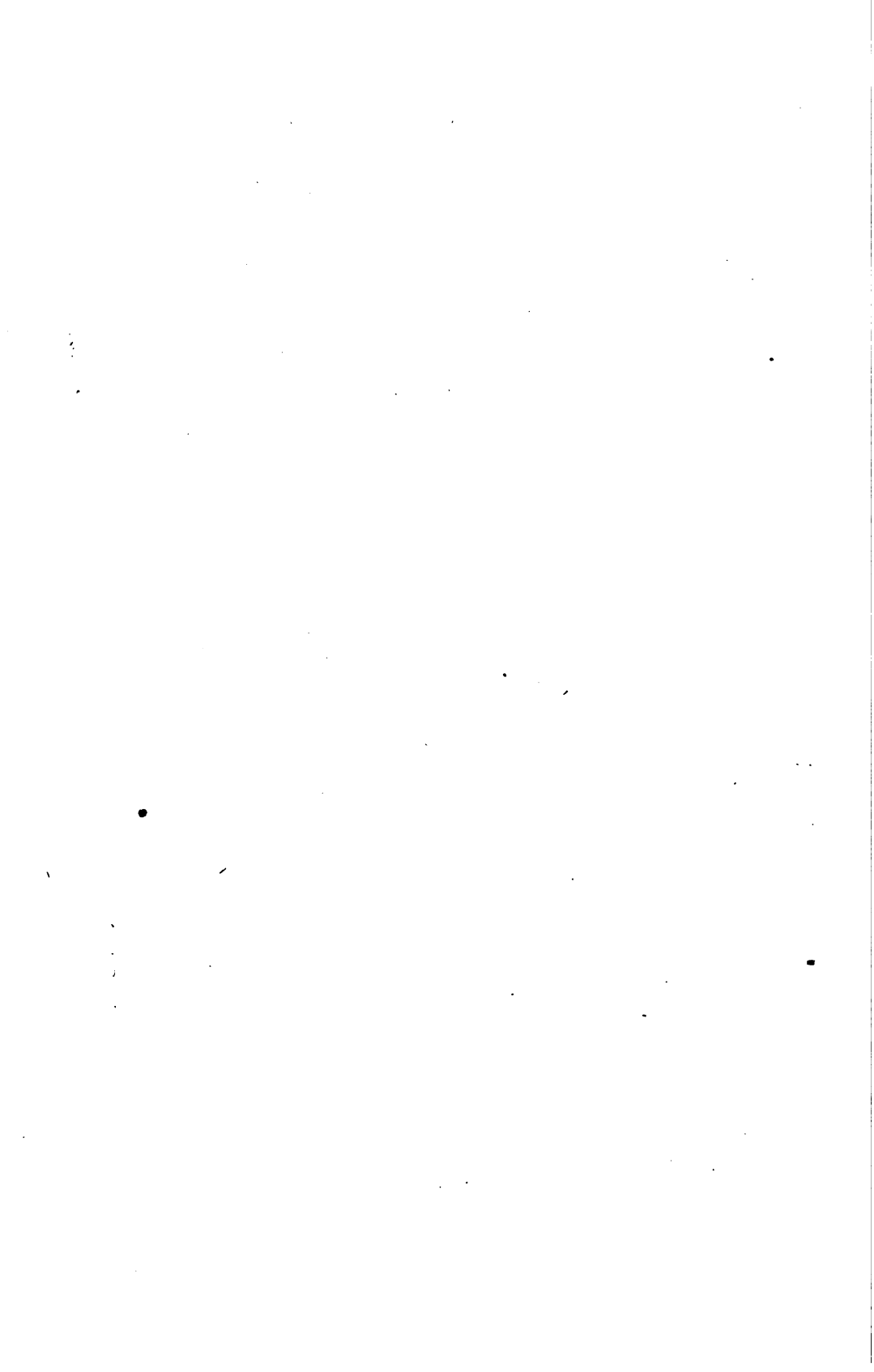
§ 186. For the purpose of enabling The City of New York to make payment of the quota of state taxes which may be imposed upon, and chargeable to the said city and the counties wholly comprised therein, at the same time or times that other counties of this state are or may be required to make payment by law, the comptroller is hereby authorized and required, unless the money for the payment of the same shall have been otherwise provided, to issue certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act for such amounts as may from time to time become necessary to meet such quota of the state taxes and from the proceeds thereof to pay to the state treasurer the amount of taxes which the comptroller of the state shall have apportioned according to law, and which may be required to be paid in pursuance of such apportionment to the state by The City of New



York and said counties at such times. (*As amended by L. 1910, ch. 683.*)

Certificate of indebtedness or other evidence of indebtedness of city; special funds.

§ 187. The comptroller is authorized to borrow, from time to time, on the credit of the corporation, in anticipation of its revenues, and not to exceed in amount the amount of such revenues, such sums as may be necessary to meet expenditures under the appropriations for each current year, including such amounts as are to be raised by The City of New York for county purposes. Such amounts shall be obtained by the issue of certificates of indebtedness or other evidences of indebtedness, which shall be termed "revenue bonds," "revenue bills" or be known by such other name as may be approved by the comptroller and which shall be in such form as may be designated by the comptroller, and which shall be redeemed out of the proceeds of the tax levy in anticipation of the collection of which such certificates of indebtedness or other evidences of indebtedness were issued. Whenever the comptroller may be authorized by the provisions of this act, or by laws heretofore or hereafter enacted, to issue revenue bonds, certificates of indebtedness or other evidences of indebtedness for purposes other than to meet expenditures under the appropriations for each current year, such certificates of indebtedness or other evidences of indebtedness shall be redeemed out of the tax levy for the year next succeeding the year of their issue, and the necessary appropriation therefor shall be made by the board of aldermen and the board of estimate and apportionment in the budget for such year. Such last mentioned certificates of indebtedness or other evidences of indebtedness may be designated and known as "Special revenue bonds," "Special revenue bills" or by such other name or title as may be approved by the comptroller and shall be in such form as may be designated by the comptroller. Cash balances of special funds in the treasuries or to the credit of the several municipal or public corporations or parts thereof, including the counties of Kings, Queens and Richmond, hereby consolidated with the mayor, aldermen and commonalty of The City of New York shall be transferred by the comptroller to like special funds of The City of New York, where such exist; and



such special funds shall thereupon be liable for payments which would otherwise have been made out of the funds so transferred. Where no similar funds exist in the treasury or to the credit of The City of New York, such special fund shall be, so far as practicable, administered in the same manner as they would have been administered if this act had not been passed. Whenever it shall appear that the charges and liabilities of any such special fund exceed the available assets thereof, it shall be lawful for the board of estimate and apportionment, upon the written request of the comptroller, to authorize the issue of certificates of indebtedness or other evidences of indebtedness or assessment bonds or corporate stock of The City of New York, for the purpose of supplying such deficiency. (*As amended by L. 1910, ch. 683.*)

Certificates of indebtedness or other evidences of indebtedness to be redeemed out of the tax levy for the year next succeeding the year of their issue.

§ 188. The comptroller is authorized to issue certificates of indebtedness or other evidences of indebtedness to be redeemed out of the tax levy for the year next succeeding the year of their issue to provide the means necessary to make payments for the following purposes:

1. The expense necessarily incurred in condemning unsafe buildings as provided by section five hundred and eleven of chapter four hundred and ten of the laws of eighteen hundred and eighty-two.
 2. Amounts audited by the board of estimate and apportionment pursuant to section two hundred and thirty-one of this act.
 3. Such amounts as may be necessary to pay judgments recovered against the corporation; provided, however, that when such judgments shall have been recovered for county charges or liabilities of any of the counties included within the territorial limits of The City of New York, separate accounts shall be kept thereof.
- The corporation counsel shall, in all such cases, advise the comptroller as to the amount of such county liability and the county incurring the same, and it shall, thereupon, be the duty of the comptroller in making the certificate to the board of aldermen, required by section nine hundred and two of this act in respect to county charges, to include in the amounts chargeable against each of such counties the amounts of such judgments respectively

paid on account thereof during the preceding calendar year. It shall also be the duty of the comptroller in estimating the revenues of the general fund for the reduction of taxation as required by section nine hundred of this act, to include the amounts which shall be respectively chargeable against each of such counties.

4. The amount appropriated in pursuance of section two hundred and thirty-six of this act in those cases in which the appropriations are made after the final passage of the annual appropriations and the certification to the board of aldermen of the amount to be raised.

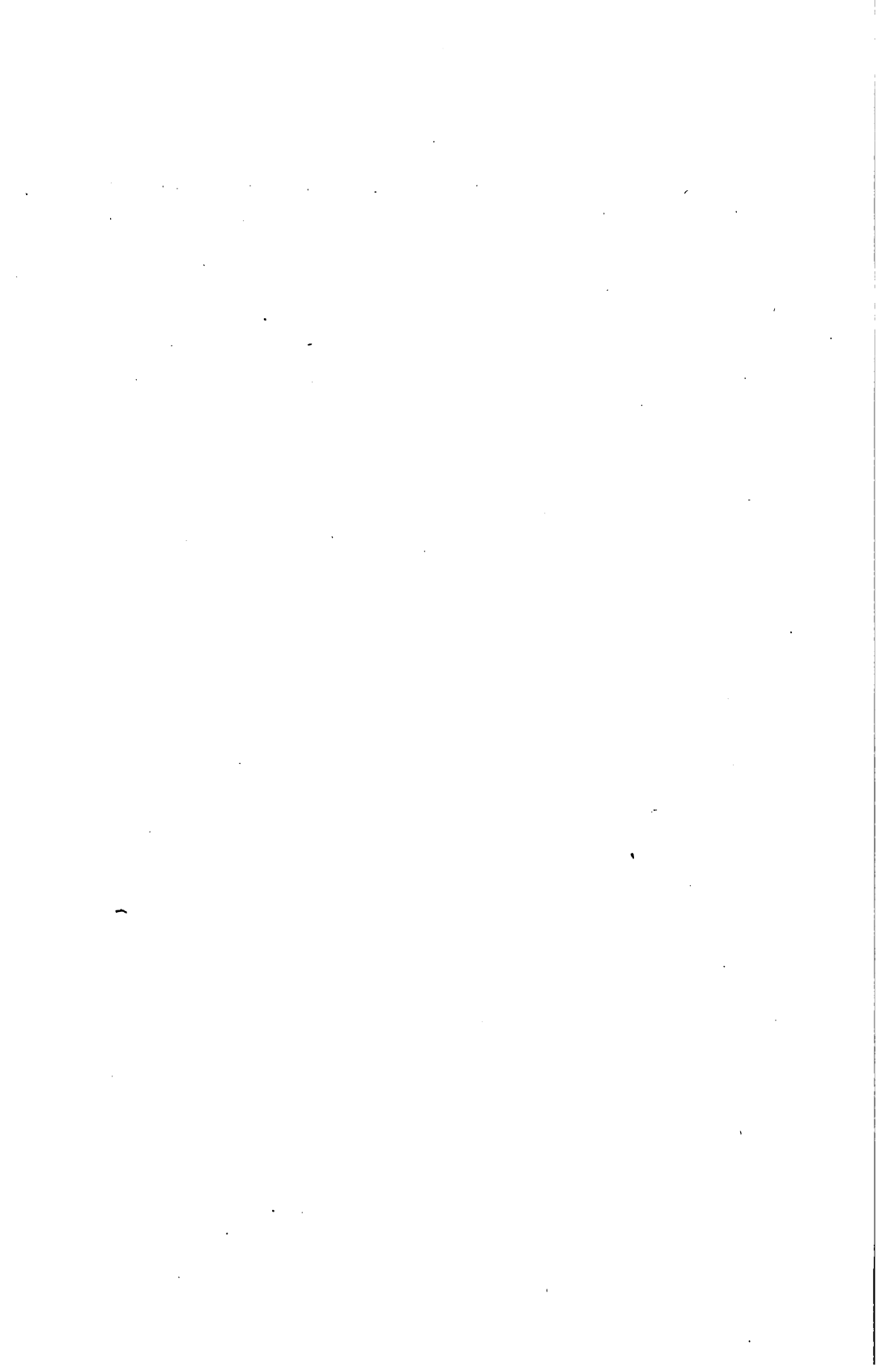
5. The amount necessary to defray the expense of supplying water meters as authorized by section four hundred and seventy-five of this act.

6. To provide for deficiencies in the fund for street and park openings as provided in section one hundred and seventy-four of this act.

7. To provide for the payment of claims, charges, expenses and appropriations which have been or may be lawfully payable by the City of New York, as hereby constituted, and the several counties wholly included within its limits, and for which no other provision for payment has been made. Separate accounts shall be kept of the bonds issued and payments made on account of county charges and expenses, and the comptroller shall similarly certify the amounts thereof to be raised by tax in the respective counties and to be included in the general fund for the reduction of taxation as provided by subdivision three of this section in the case of judgments.

8. To provide for the payment of expenses authorized by the concurrent vote of all the members of the board of estimate and apportionment upon a resolution requesting such authorization, adopted by the affirmative vote of three-fourths of all the members of the board of aldermen; provided, however, that the amount thus issued shall not in any one year exceed two million dollars.

9. To meet and pay the expenses incurred pursuant to the provisions of sections eleven hundred and seventy-seven and eleven hundred and seventy-eight of this act. (*As amended by L. 1910, ch. 683.*)



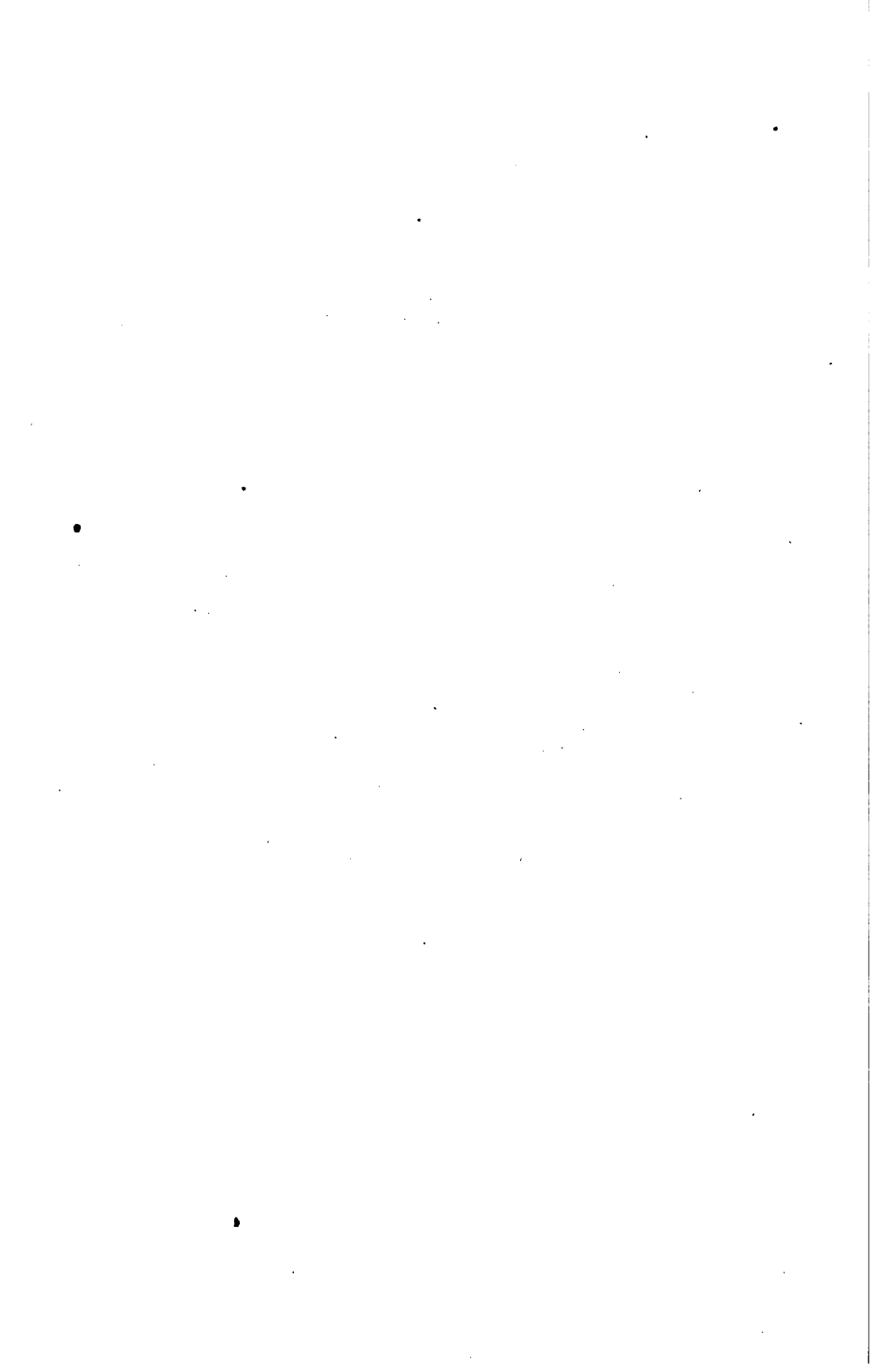
Powers of commissioners of sinking fund.

§ 295. The said board shall, except as in this act otherwise specifically provided, have power to sell or lease for the highest marketable price or rental at public auction or by sealed bids, and always after public advertisement for a period of at least fifteen days in the City Record, and after appraisal under the direction of said board made within three months of the date of sale, any city property except parks, wharves and piers and land under water, but no such lease shall run for a term longer than ten years nor a renewal for a longer period than ten years. If such property be market property it shall be sold only pursuant to a resolution adopted by an unanimous vote of the commissioners of the sinking fund, concurred in by the board of aldermen. The commissioners of the sinking fund shall have power to assign to use for any public purposes any city property, for whatsoever purpose originally acquired, which may be found by the department having control thereof to be no longer required for such purpose. The proceeds of said sale or leasing shall on receipt thereof, after paying necessary charges, be immediately paid to the credit of the sinking fund for the redemption of the city debt. Said commissioners of the sinking fund shall have power, by unanimous vote, to settle and adjust by mutual conveyances or otherwise, and upon such terms and conditions as may seem to them proper, disputes existing between the city and private owners of property, in respect to boundary lines, and to release such interests of the city in real estate as the corporation counsel shall certify in writing to be mere clouds upon titles of private owners, in such manner and upon such terms and conditions as in their judgment shall seem proper. Said commissioners of the sinking fund shall also have power to sell and convey the right, title and interest of the city in and to lands lying within any street, avenue, road, highway, alley, lane or public place or square that has been discontinued and closed, in whole or in part, by lawful authority, to the owner of lands fronting on such street, avenue, road, highway, alley, lane or public place or square so discontinued and closed, on such terms and conditions and for such consideration as in the judgment of the said commissioners of the sinking fund shall seem proper, provided the said commissioners of the sinking fund shall first deter-

mine that the said lands or the part thereof so sold and conveyed, are not needed for any public use. Said commissioners of the sinking fund shall have discretion to direct the demolition or removal of all buildings or other structures, the title to which has been acquired by the city in condemnation proceedings or by purchase, and not needed for any public purposes, in the same manner as now provided by law for the demolition and removal of unsafe buildings, and in such cases the expense of such demolition and removal shall be paid in the same manner as is now provided for the demolition and removal of unsafe buildings. They may also, prior to the confirmation of the report of commissioners of estimate of appraisal, or prior to the purchase of the premises upon which said buildings or parts of buildings or other structures are erected, or prior to the vesting of title therein, agree with the owner or owners thereof, or any person having a beneficial interest therein, in case title has not vested in the city, and in case title has vested in the city, with the person or persons entitled to the award or awards therefor, as to the cost and compensation to be allowed and paid to said owner or owners, or other persons for the removal of said buildings or parts of buildings or other structures, as the compensation to be awarded by said commissioners or allowed for the damage done said building or buildings or other structures in the acquisition of title thereto, and it may also, as a condition of the sale by the city at private sale of its interest therein after the vesting of title in said building or parts of buildings or other structures to the owner or owners of the award or awards therefor, or other persons having an interest therein, agree that the damages to be awarded by the commissioners shall be the agreed compensation for the purpose of the removal thereof, provided, however, that such buildings or parts of buildings or other structures shall not, in any case, be relocated or re-erected within the lines of any proposed street or other public improvement.

Commissioners of estimate and appraisal shall accept such agreed amounts of compensation for the removal of buildings or parts of buildings or other structures as the amounts to be awarded as such compensation and include the same in their reports. Said commissioners of the sinking fund shall prescribe such conditions in the terms of sale which, if broken, shall entitle the city to a resale of said property, and which shall revest title to same in the city.

Said commissioners of the sinking fund shall also have power to lease all or any part of the right, title and interest heretofore or hereafter acquired by the city in and to any lands outside the limits of said city for the sanitary protection of the water supply, and to grant in perpetuity, or for shorter periods, rights, easements, or rights of way in, over or across any such lands, for highway purposes, or for the improvement of the facilities and public service of railroads heretofore located thereon upon such terms and conditions, for such consideration, and subject to such restrictions as in the judgment of said commissioners shall seem proper; provided that no such lease or grant shall be made unless the said commissioners shall first determine that the said lands or interests therein, so granted or conveyed, are to be used or enjoyed for a purpose which is consistent with the sanitary protection of the water supply of said city, and provided that every such grant or lease shall contain covenants restricting the use of such lands, or interests therein, in accordance with the determination of said commissioners and providing for the forfeiture to the city of the lands or interests therein upon breach of any of said covenants. The provisions of existing laws or ordinances relative to the investment of moneys and assets of the several sinking funds hereby made subject to the control of the commissioners of the sinking fund as hereby constituted, in bonds, stocks, or obligations of the municipal or public corporations or parts thereof hereby consolidated into The City of New York, including the counties of Kings and Richmond, shall hereafter apply to investments thereof in the bonds and stock of the corporation of The City of New York, issued on and after January first, eighteen hundred and ninety-eight, provided, however, that such bonds or stock shall not thereupon or thereafter be cancelled except as herein otherwise specifically provided, but the same shall upon their maturity be paid off, liquidated or discharged in the same manner as they would be if held by private creditors. It shall be lawful for the commissioners of the sinking fund in their discretion, and they are hereby empowered in such discretion to cancel from time to time, but not before maturity, bonds and stock of any of the municipal and public corporations or parts thereof forming part of the corporation of The City of New York, as hereby constituted, and of the counties of Kings and Richmond, which may be held by any of said sinking



funds on December thirty-first, eighteen hundred and ninety-seven, providing said bonds and stocks are by law redeemable from the sinking funds in which the same are held. It shall also be lawful for the commissioners of the sinking fund in their discretion and they are hereby empowered in such discretion, to cancel from time to time but not before maturity, any portion of the indebtedness of The City of New York, as hereby constituted, incurred on or after January first, eighteen hundred and ninety-eight, which may be held by them in the sinking fund of The City of New York, as hereinafter constituted, and which may by law be redeemable from said sinking fund as herein or elsewhere provided, and all such similar indebtedness incurred to provide for the supply of water, which may be held by them and redeemable from the water sinking fund of The City of New York as hereinafter constituted. The funds to be known as the sinking fund of The City of New York and the water sinking fund of The City of New York as hereinafter constituted, shall be administered by the commissioners of the sinking fund, in like manner as provided by the ordinance of the mayor, aldermen and commonalty of The City of New York, approved by the mayor, February twenty-second, eighteen hundred and forty-four, so far as the same may be applicable; provided, however, that nothing contained in said ordinance shall affect or alter the composition of the board of commissioners of the sinking fund, as by this act constituted. The rate of interest on all corporate stock, bonds or other obligations for the payment of money of whatsoever kind or description issued by The City of New York except certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, shall be prescribed by the commissioners of the sinking fund. The commissioners of the sinking fund may by resolution assign the places where the several municipal courts shall be held within their respective districts and may assign such place in said city as may to it seem most conducive to the public convenience for the holding of the courts of general and special sessions, and, upon the application of the board of city magistrates, may designate additional places for the holding of magistrates' or police courts and jail delivery to be held in and for the city; notice of any change of the places of holding such courts shall, before the same takes effect, be published in the City Record and the corporation newspapers for

a period of not less than two weeks. Said publication shall be made under the direction of the comptroller. The commissioners of the sinking fund may by resolution designate from time to time any building or buildings within the city to be the common jails of said city or of any of the counties contained within its territorial limits, for all the purposes for which common jails may by law be used, and such building or buildings so designated shall be such common jails until changed by a like resolution of the commissioners of the sinking fund. The sinking fund commissioners of The City of New York shall not have the power in any event to compromise or release any existing liability or obligation to The City of New York or to the mayor, aldermen or commonalty of The City of New York, or to any of the municipalities or parts of municipalities consolidated with the former City of New York, under the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and eighty-six or under chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-three, but such liabilities and obligations shall be and remain inviolable. (*As amended by L. 1910, ch. 683.*)

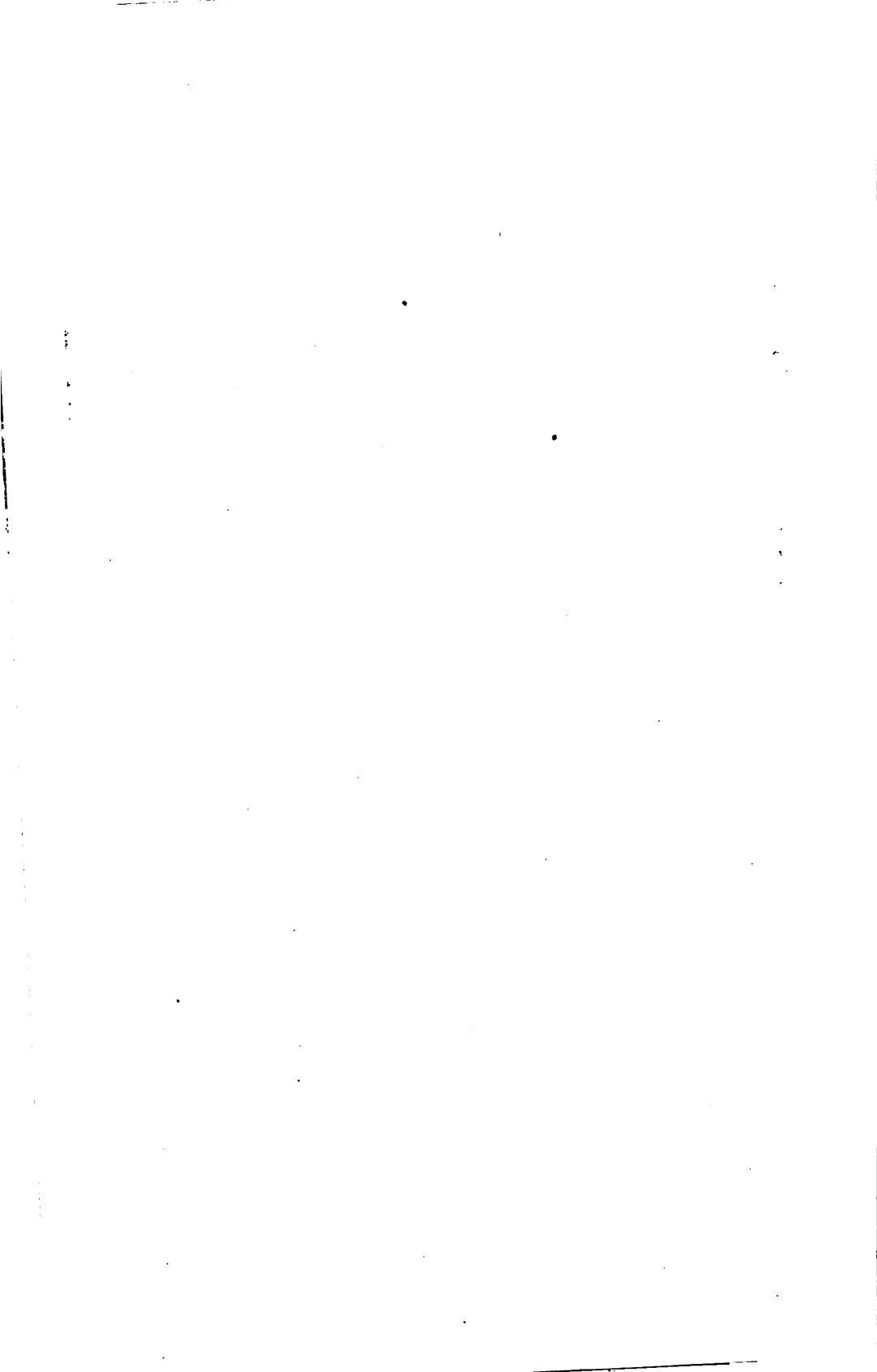
The sinking fund of The City of New York.

§ 206. There shall be created a fund to be known as the "sinking fund of The City of New York," which shall have for its purposes the liquidation of the principal of the debt of the corporation of The City of New York incurred on or after January first, eighteen hundred and ninety-eight, as to which no provision for the payment thereof otherwise than from taxation is made, and excepting revenue bonds, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, and bonds issued to provide for the supply of water. For the redemption of such debt out of said sinking fund there shall be annually included in the budget and paid into the sinking fund of The City of New York herein created, an amount to be estimated and certified by the comptroller, and to be by the board of aldermen and the board of estimate and apportionment inserted in the budget for each year, which with the accumulations of interest thereon shall be sufficient to meet and discharge such bonds or stocks by the time the same shall be payable; provided, however, that there shall be deducted from said

amount, the amounts annually received from the operation of any rapid transit railroad or railroads for the construction of which bonds shall have been issued pursuant to the provisions of the rapid transit act applicable to The City of New York or any municipal corporation or territory embraced therein. Whenever the bonds and stocks outstanding on December thirty-first, eighteen hundred and ninety-seven, and being charges or liens on any of the sinking funds hereby made subject to the control of the commissioners of the sinking fund, shall in respect to any such sinking fund be wholly discharged, liquidated or canceled, it shall thereupon be lawful for the commissioners of the sinking fund to cancel such bonds of the corporation of The City of New York issued on or after January first, eighteen hundred and ninety-eight, as may be held by such sinking fund, and the revenues of such sinking fund when thus relieved of such liens or charges shall thereupon and thereafter be paid into the sinking fund of The City of New York, as herein created. Whenever such payments shall be made, the comptroller in making the certificate to the board of estimate and apportionment by this sanction required shall take into account the amount thereof, and deduct the same from the estimated amount to be included in each year's budget as herein provided. (*As amended by L. 1910, ch. 683.*)

Commissioners may call in bonded debt; consolidated stock of The City of New York; lien of, on sinking fund for the redemption of the city debt.

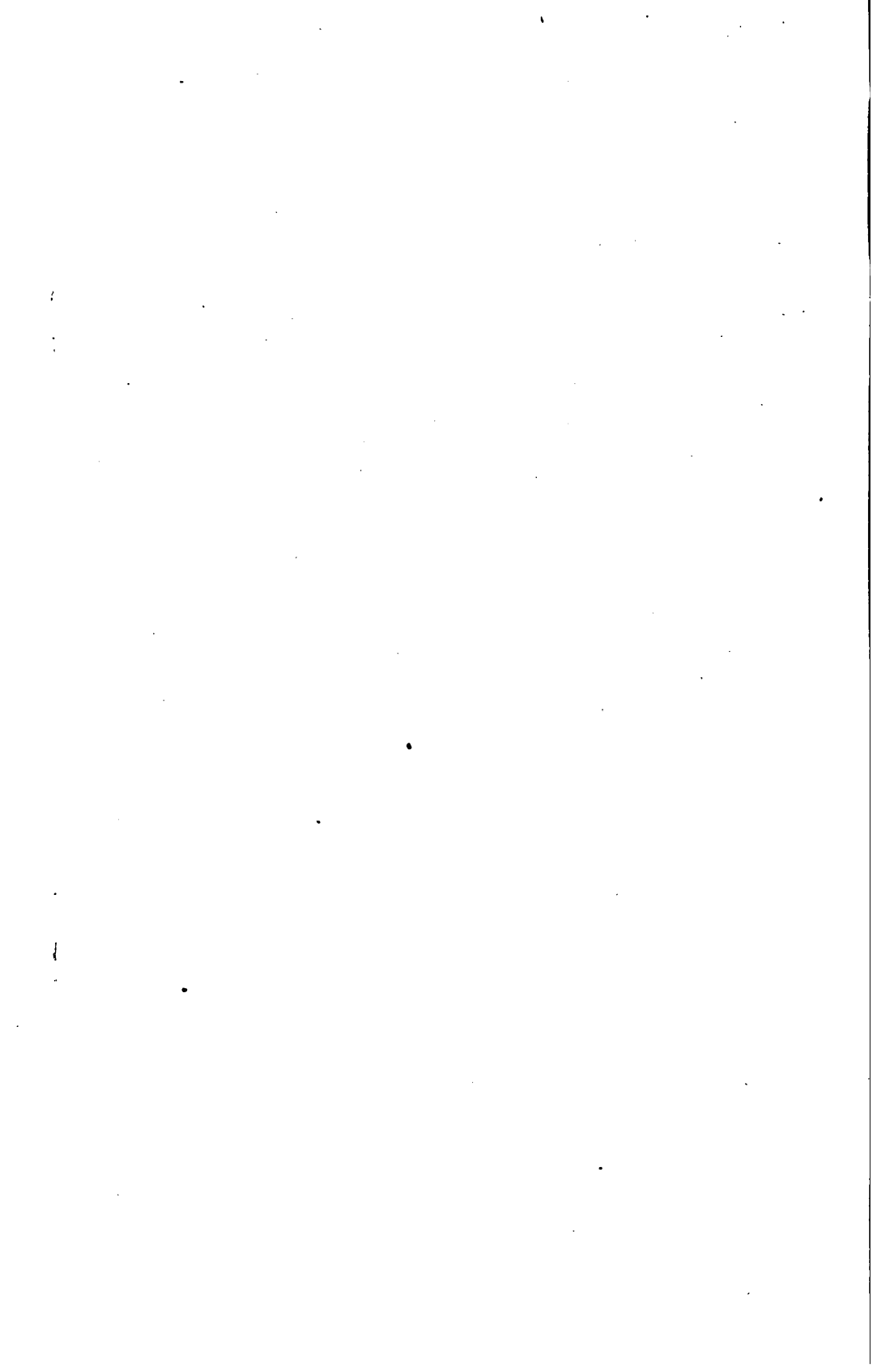
§ 213. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay, and redeem any portion of the bonded debt constituting a charge upon the treasury of The City of New York, as constituted by this act, other than revenue bonds, issued in anticipation of the collection of taxes, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, when they may deem it to be advantageous for the interest of the city so to do, and for this purpose the said commissioners of the sinking fund, are hereby empowered by a concurrent vote, and subject to the approval of the board of estimate and apportionment, to authorize and direct the comptroller to issue and sell or exchange therefor at not less than par, corporate stock of said city, in the



manner herein provided; and upon the payment and redemption of any portion of said bonded debt the certificates thereof shall be canceled by said commissioners of the sinking fund. The "consolidated stock" of the mayor, aldermen and commonalty of The City of New York, issued pursuant to the provisions of section one hundred and seventy-six of chapter four hundred and ten, of the laws of eighteen hundred and eighty-two, after fully providing for the preferred bonds and stocks of said city, as in the preceding section specified, shall form a charge upon the said "sinking fund for the redemption of the city debt," and any part of the bonded debt of said corporation falling due and not exchanged for or redeemed from the proceeds of said consolidated stock as in said section provided, may be paid from said sinking fund for the redemption of the said city debt, provided such payment shall not in any way impair the proffered claims thereon as in the preceding section specified, and provided also, the commissioners of the sinking fund shall deem it to be for the best interests of the city that such payment shall be so made. (*As amended by L. 1910, ch. 683.*)

Certain city bonds and stocks; annual provisions to meet payment of.

§ 229. For the payment of all bonds and stocks of the mayor, aldermen and commonalty of The City of New York issued after June third, eighteen hundred and seventy-eight, and for the payment of all the bonds and stocks hereafter issued by The City of New York, as hereby constituted, and for which no provision for the payment thereof, otherwise than from taxation is made, except revenue bonds issued in anticipation of the collection of taxes, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, there shall annually be set apart or paid over to the commissioners of the sinking fund, as hereinafter directed, and invested by them in the manner provided by law, a sum sufficient, with the accumulation of interest thereon to meet and discharge the amount of said bonds or stocks by the time the same shall be payable, as the same shall be estimated and certified by the comptroller. The said annual sum so to be set apart or paid over and invested, except so far as it relates to bonds and stocks issued on or after January first, eighteen hundred and ninety-eight, and bonds issued to provide for the supply of water shall until other provisions there-



for may be hereafter made by law, be set apart out of the surplus income, revenues and accumulations of the sinking fund for the redemption of the city debt as now established by law after fully providing for the payment of the stocks and bonds of said city now outstanding and which, by sections two hundred and twelve and two hundred and thirteen of this act, are declared to be and are made preferred claims upon said sinking fund and also for the payment of such other bonds and stocks of said city as by said section two hundred and thirteen of this act are authorized to be paid from said sinking fund. Whenever, and as often as the commissioners of the sinking fund shall certify to the board of estimate and apportionment that the said surplus revenues of said sinking fund will, in the opinion of said commissioners, be less than the amount by this section required to be set apart or paid over to said commissioners for the purposes aforesaid; and certifying the amount of such deficiency, it shall be the duty of said board of estimate and apportionment and the board of aldermen to include in the annual budget for the year next ensuing to be raised by tax on the estates, real and personal, in said city subject to taxation, the amount of the deficiency certified as aforesaid, and this amount so raised by tax shall be paid to the commissioners of the sinking fund on the first day of November of the year in which the same shall be levied. (*As amended by L. 1910, ch. 683.*)

Claims against city; power of board of estimate to pay or compromise on equitable grounds, although illegal.

§ 246. The board of estimate and apportionment may, in its discretion inquire into, hear and determine any claim against The City of New York which has been certified to said board in writing by the comptroller as an illegal or invalid claim against the city, but which, notwithstanding, in his judgment it is equitable and proper for the city to pay in whole or in part, and if upon such inquiry the board by an unanimous vote determines that the city has received a benefit and is justly and equitably obligated to pay such claim and that the interests of the city will be best subserved by the payment or compromise thereof, it may authorize the comptroller to pay the claim and the comptroller shall thereupon pay the claim in such amount as the board of estimate and apportionment shall so determine to be just, in full satisfaction of such claim, pro-

vided that the claimant shall fully release the city upon any such payment, in such form as shall be approved by the corporation counsel. The provisions of this section shall not authorize the audit or payment of any claim barred by the statute of limitations, nor any claim for services performed under an appointment in violation of any provision of the civil service law. For the purpose of carrying out the provisions of this section, it shall be the duty of the comptroller of The City of New York on being thereunto authorized by the said board of estimate and apportionment to issue and sell corporate stock or certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, of The City of New York in such amounts as may be necessary and at such a rate of interest as may be fixed by said comptroller. No consent or approval of any board or public body other than the said board of estimate and apportionment shall be necessary to authorize the comptroller to issue such stock or certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, for the purposes of this section. (*As amended by L. 1910, ch. 683.*)

Contracts for work or supplies.

§ 419. All contracts to be made or let for work to be done or supplies to be furnished, except as in this act otherwise provided, and all sales of personal property in the custody of the several borough presidents, departments or bureaus shall be made by the appropriate borough presidents or heads of departments under such regulations as shall be established by ordinance or resolution of the board of aldermen. Whenever any work is necessary to be done to complete or perfect a particular job, or any supply is needed for any particular purpose, which work and job is to be undertaken or supply furnished for the city of New York, and the several parts of the said work or supplies shall, together, involve the expenditure of more than one thousand dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance or resolution of the board of aldermen, excepting such works now in progress as are authorized by law or ordinance to be done otherwise than by contract, and unless otherwise ordered by a vote of three-fourths of the members elected to the

board of aldermen; and all contracts shall be entered into by the appropriate borough president, and heads of departments, and shall, except as herein otherwise provided, be founded on sealed bids or proposals, made in compliance with public notices, duly advertised in the City Record, and the corporation newspapers, and said notice to be published at least ten days: if a borough president or the head of a department shall not deem it for the interest of the city to reject all bids, he shall, without the consent or approval of any other department or officer of the city government, award the contract to the lowest bidder, unless the board of estimate and apportionment by a three-quarter vote of the whole board, shall determine that it is for the public interest that a bid other than the lowest should be accepted; the terms of such contract shall be settled by the corporation counsel as an act of preliminary specification to the bid or proposal.

In any contract for work or supplies made hereunder, there may be inserted, in the discretion of the borough president or head of department making such contract, a provision that additional work may be done or supplies furnished for the purpose of completing such contract, at an expense not exceeding five per centum of the amount of such contract, if such additional work or supplies shall be ordered by such borough president or head of department.

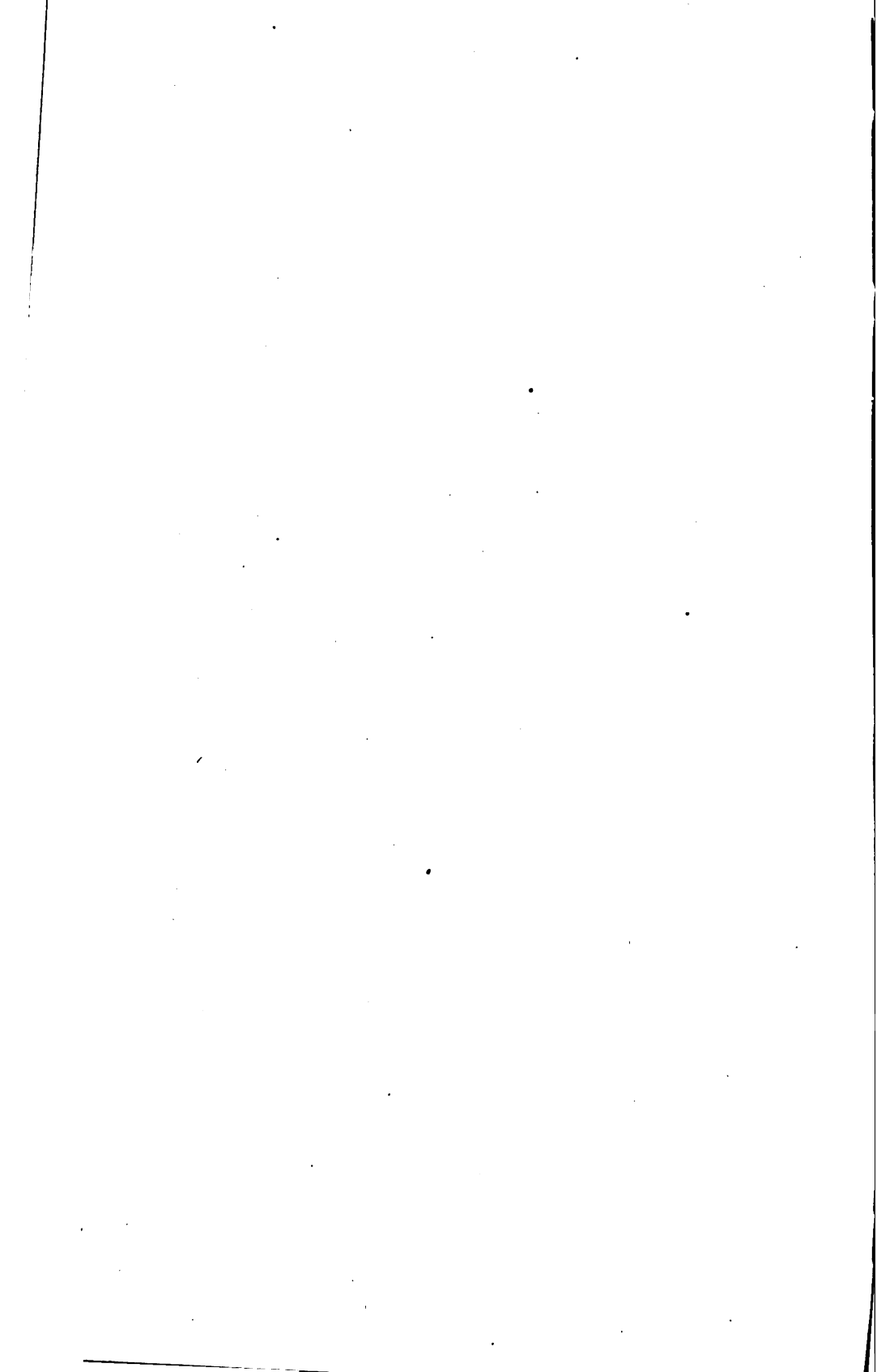
The bidder whose bid is accepted shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the comptroller. All bids or proposals shall be publicly opened by the officer or officers advertising for the same, and in the presence of the comptroller, but the opening of the bids shall not be postponed if the comptroller shall, after due notice, fail to attend; if the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to his bid or proposal, or if he accepts but does not execute the contract and give the proper security, it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, it shall be readvertised and relet by the appropriate borough president or the head of the appropriate department in the manner in this section provided. No bid shall be accepted from, or contract awarded to,

any person who is in arrears to the city of New York upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the city. Every contract when made and entered into, as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; together with a copy of the resolution or ordinance of the board of aldermen and the local board, and together with the approval of the board of estimate and apportionment wherever the same is required by the provisions of this act, or copies of both, as the case may be, authorizing said work; such copy shall be so filed within five days after the contract shall have been duly executed by the contractor. All warrants upon vouchers duly audited and approved, for payment of amounts due under contracts, shall, by number or other description, refer to the voucher, the fund and the contract upon which the payment is to be made; and all checks drawn by the chamberlain on warrants duly approved and executed pursuant to law, as payments on contracts, may be mailed to the contractor at the address furnished by him, or delivered to him or his authorized representative, and when so mailed or delivered, the indorsement by the contractor upon a check attached to such a warrant, which has been paid by the bank or trust company upon which the same has been drawn, shall be considered as a receipt of the contractor for the amount of said check so paid on account of said contract.

No expenditure for work or supplies involving an amount for which no contract is required shall be made, except the necessity therefor be certified to by the appropriate borough president or the head of the appropriate department, and the expenditure has been duly authorized and appropriated. (*As amended by L. 1910, ch. 554.*)

Legal effect of charter upon new aqueduct; term of commissioners limited.

§ 518. Nothing in this act contained shall be deemed or construed to repeal, or in anywise affect chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, or the several acts amendatory thereof, but the said act and its amendments shall remain in full force and effect, except as herein provided. The term of office of the commissioners appointed and existing under the aforesaid act shall cease and determine on the



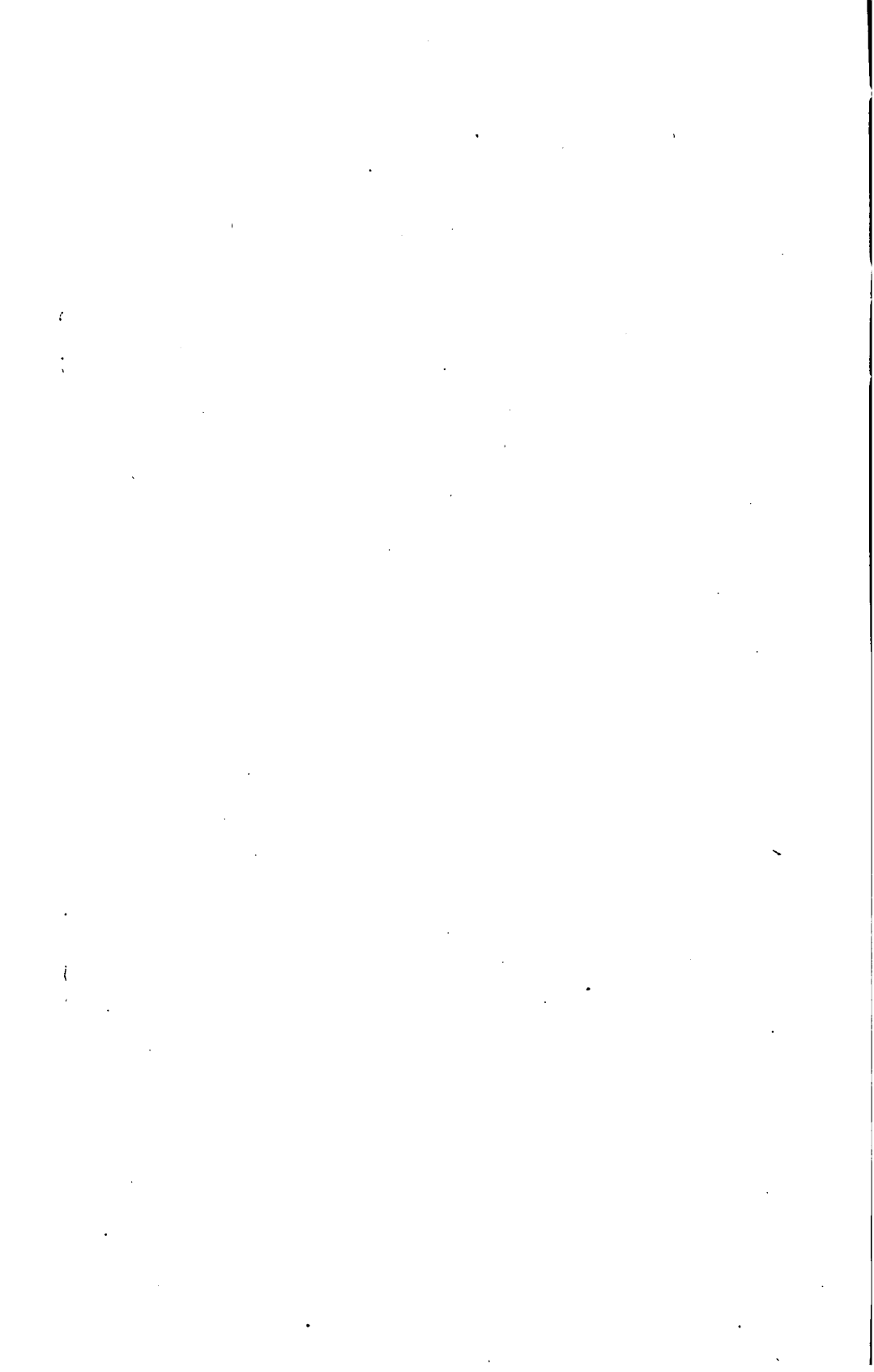
first day of June, nineteen hundred and ten, and from and after said date the office of aqueduct commissioner, and the aqueduct commission shall be and hereby is abolished, and thereupon all papers, documents and records in possession of the aqueduct commissioners shall be delivered to the commissioner of the department of water supply, gas and electricity, who shall have all the powers heretofore vested by law in the said aqueduct commissioners. All persons in the employ of the aqueduct commission when this act takes effect shall, upon the passage of this act, be transferred to and subject to the jurisdiction of the department of water supply, gas and electricity of the city of New York and all persons so transferred shall be subject to the provisions of the civil service law and the rules and regulations of the civil service commission of the city of New York in so far as said civil service law and said rules and regulations of said civil service commission apply to the said persons prior to the time of such transfer, as aforesaid. (*As amended by L. 1910, ch. 220*)

No person to operate moving picture apparatus and its connections without a license.

§ 529-a. It shall not be lawful for any person or persons to operate any moving picture apparatus and its connections in the city of New York unless such person or persons so operating such apparatus is duly licensed as hereinafter provided. Any person desiring to act as such operator shall make application for a license to so act to the commissioner of water supply, gas and electricity of the city of New York who shall furnish to each applicant blank forms of application which the applicant shall fill out.

The commissioner of water supply, gas and electricity shall make rules and regulations governing the examination of applicants and the issuance of licenses and certificates.

The applicant shall be given a practical examination under the direction of the commissioner of water supply, gas and electricity and if found competent as to his ability to operate moving picture apparatus and its connections shall receive within six days after such examination a license as herein provided. Such license may be revoked or suspended at any time by the commissioner of water supply, gas and electricity. Every license shall continue in force for one year from the date of issue unless sooner revoked or sus-



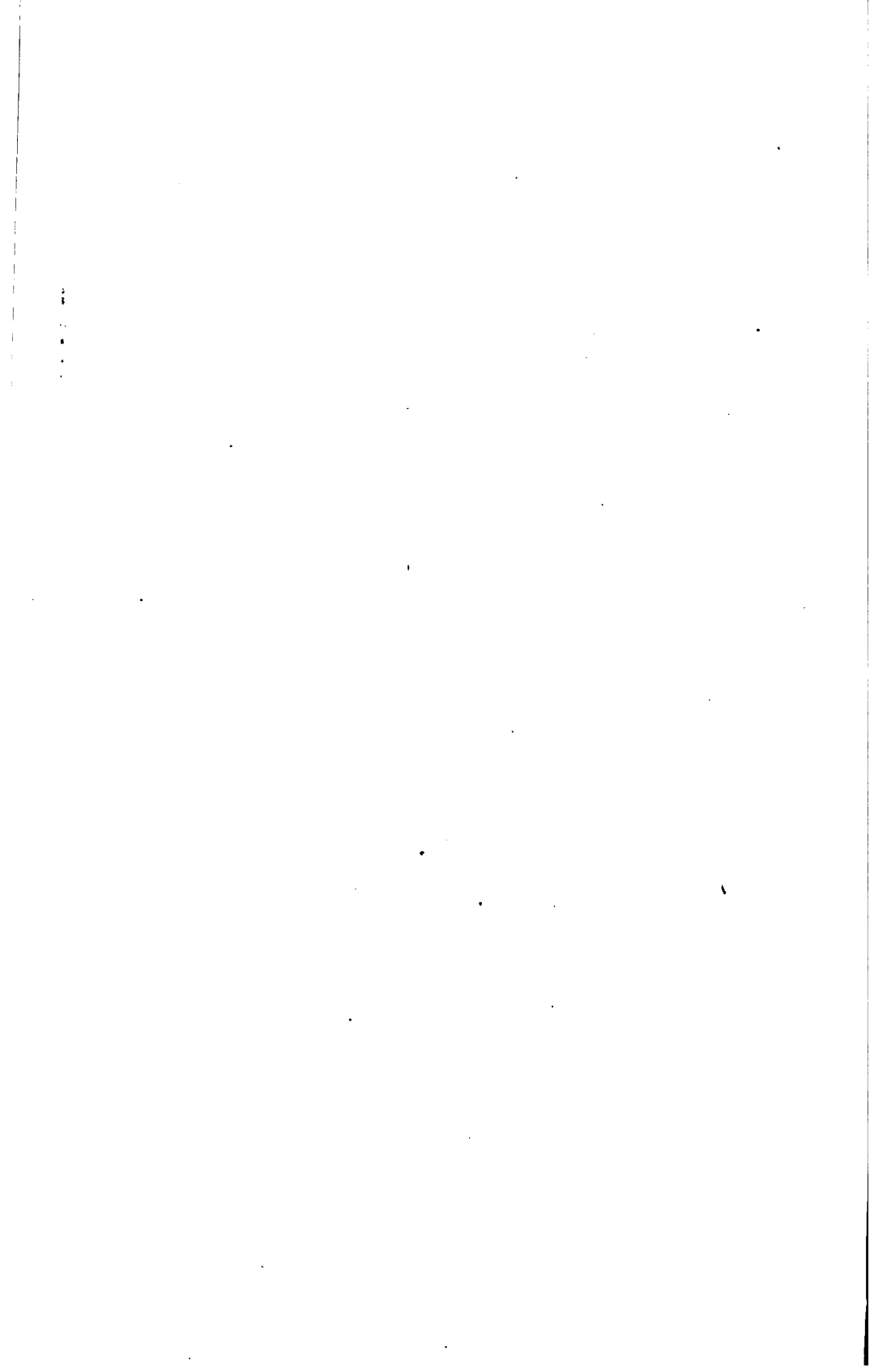
pended. Every license, unless revoked or suspended, as herein provided, may at the end of one year from the date of issue thereof be renewed by the commissioner of water supply, gas and electricity in his discretion upon application and with or without further examination as said commissioner may direct. Every application for renewal of license must be made within the thirty days previous to the expiration of such license. With every license granted there shall be issued to every person obtaining such license a certificate, made by the commissioner of water supply, gas and electricity or such other officer as such commissioner may designate, certifying that the person named therein is duly authorized to operate moving picture apparatus and its connections. Such certificate shall be displayed in a conspicuous place in the room where the person to whom it is issued operates moving picture apparatus and its connections. No person shall be eligible to procure a license unless he shall be a citizen of the United States and of full age. Any person offending against the provisions of this section, as well as any person who employs or permits a person not licensed as herein provided to operate moving picture apparatus and its connections, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of one hundred dollars or imprisonment for a period not exceeding three months, or both, in the discretion of the court. (*Added by L. 1910, ch. 654.*)

Ocean boulevard; restrictions as to use of.

§ 612-b. The commissioner of parks of the boroughs of Brooklyn and Queens is hereby authorized, in his discretion by rules and regulations, to restrict the use and occupation of the main drive of Ocean boulevard in the borough of Brooklyn, from Twenty-second avenue to King's highway, to horses and light carriages and to exclude therefrom vehicles of all other kinds, including bicycles and motor vehicles. (*Added by L. 1910, ch. 681.*)

Commissioner of public charities; rules and regulations; subordinate officers.

§ 659. The said commissioner shall have power to establish general rules and regulations for the administration of the department and the government of the institutions under its jurisdiction except the institutions specified in section six hundred and sixty-one of

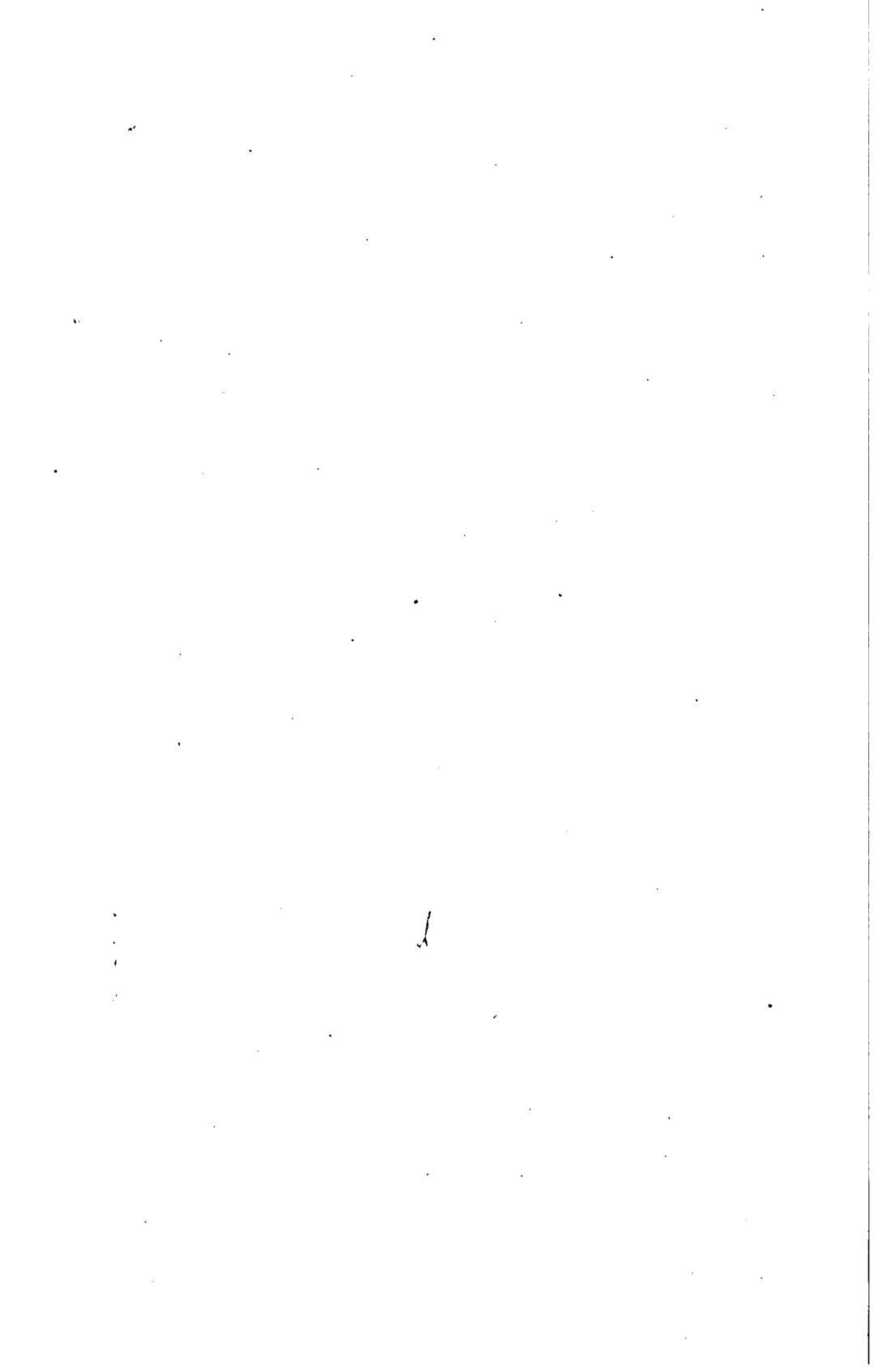


this act, and except as provided in title two of this chapter, and such general rules and regulations shall be so far as practicable uniform in all the boroughs. The commissioner shall have power to appoint and in his discretion to remove not more than three deputies, to be known as first deputy, second deputy, and third deputy, and shall define their duties. The first deputy shall during the absence or disability of the commissioner possess all the powers and perform all the duties of the commissioner except the power of making appointments. In the absence or disability of both the commissioner and the first deputy, the second deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. In the absence or disability of the commissioner and the first and second deputies, the third deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. The commissioner, within the limits of his appropriation, shall have power to appoint and remove subject to the requirements of the civil service laws such subordinate officers and assistants as may be necessary for the efficient performance of his duties as said commissioner. (*As amended by L. 1910, ch. 330.*)

TITLE III.

Board of inebriety.

§ 693. 1. The board of estimate and apportionment of the city of New York may by resolution determine that there shall be in the said city a board of inebriety. When the board of estimate and apportionment shall have so determined by resolution the mayor of the city of New York shall appoint in the manner hereinafter provided a board of inebriety. This board shall consist of seven members, five of whom, hereinafter known as the appointive members, shall be appointed by the mayor, and two of whom shall be physicians. The commissioner of public charities and the commissioner of correction shall be ex-officio members of the said board. One of the appointive members of the board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Upon the expiration of the term of office of a member of the board, the mayor shall appoint his successor for the term of five years. The mayor shall fill any vacancy in



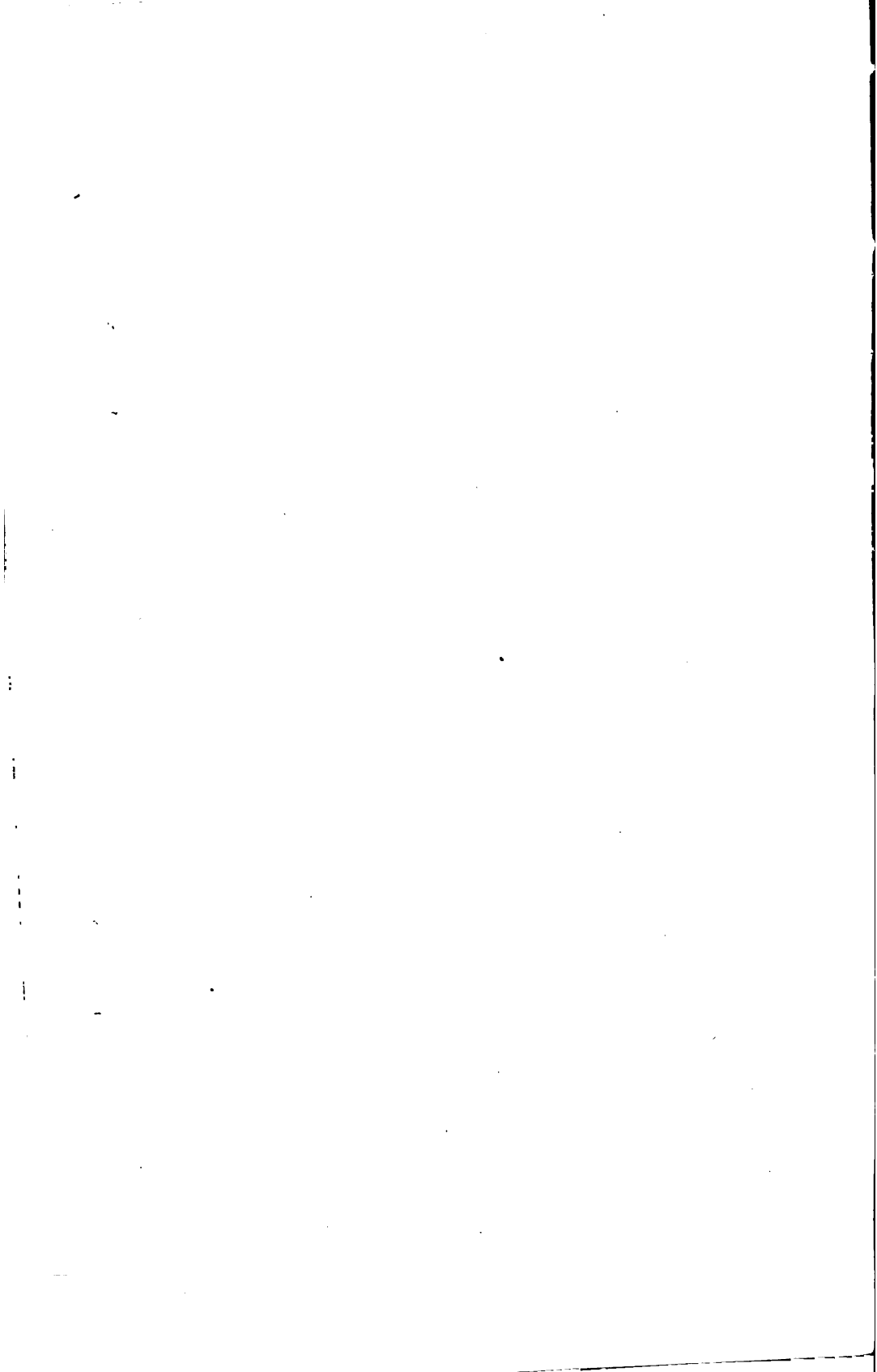
the board caused by the death or removal from the city of a member other than the commissioner of public charities and the commissioner of correction, by the appointment of a person for the remainder of the term of such member. The members of the board shall serve without pay. No member shall be interested directly or indirectly in the furnishing or performing of work, labor, services, materials or supplies of any kind to or for the board.

2. In appointing members of the board of inebriety, the mayor shall call upon the president or other executive head of each of the following organizations: The United Hebrew Charities of the City of New York, the Particular Councils of New York and Brooklyn of the Society of Saint Vincent de Paul, the New York Association for Improving the Condition of the Poor, and the Brooklyn Bureau of Charities to present a list of not less than twice the number of persons to be appointed members of said board of inebriety, to fill a vacancy or otherwise. Notice in writing of the dates on which appointments, including the first, to the board are proposed to be made shall be given by the mayor to each of said presidents or other executive heads at least ten days prior thereto, and such list of names shall be so presented within ten days after the receipt of such notice. Said presidents or other executive heads may each submit, or two or more of them may jointly present, such a list of names. Appointments to the board may, in the discretion of the mayor, be made from such list or lists.

3. The board shall appoint a chief executive officer who shall be its secretary, and shall appoint such number of field officers, clerks and other employees, as its work may require and as the board of estimate and apportionment may authorize. It shall exercise general control over the work of such secretary, field-officers, clerks and other employees.

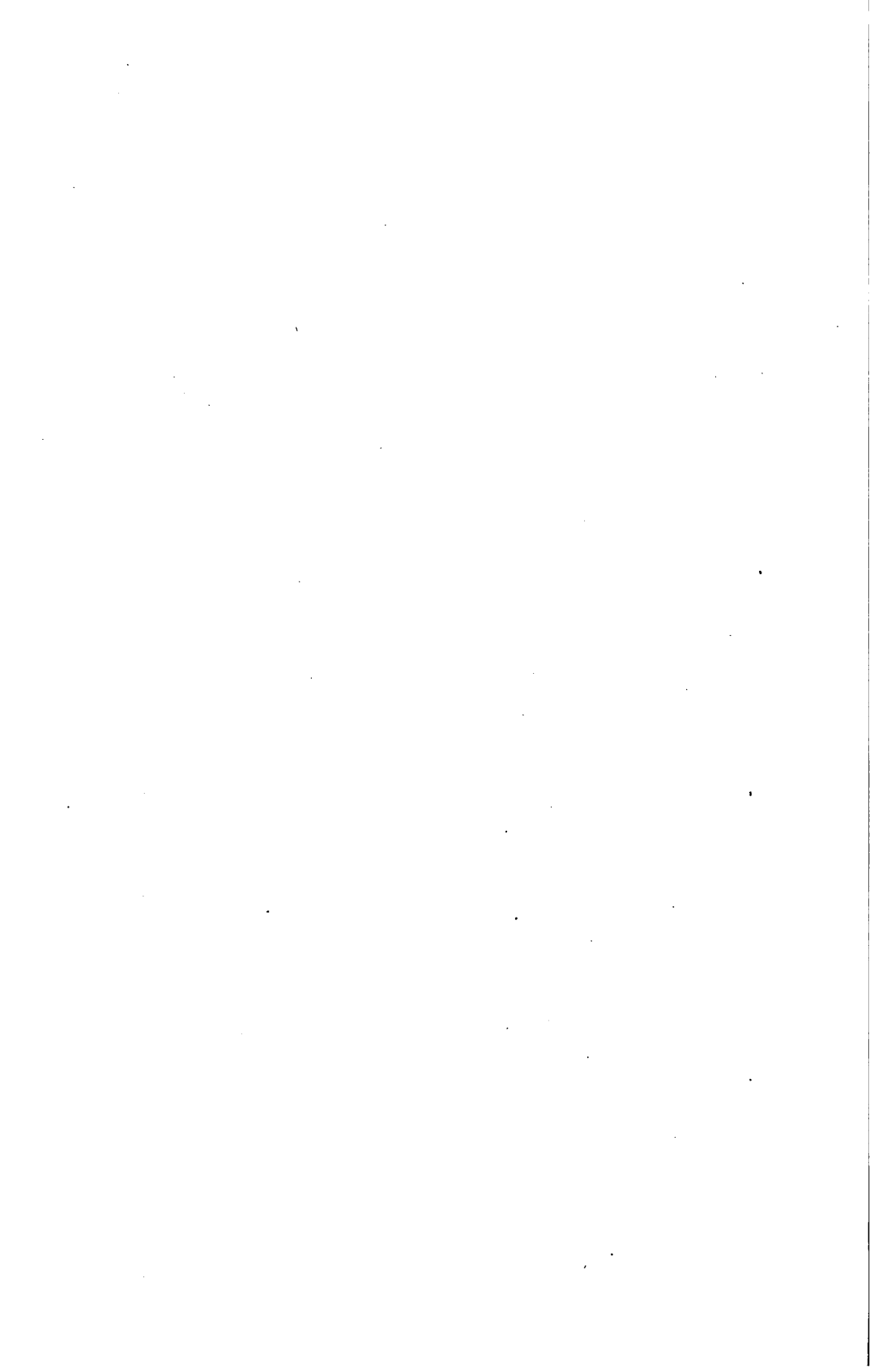
4. The board shall maintain a central office for the boroughs of Manhattan and The Bronx, and a central office for the boroughs of Richmond, Brooklyn and Queens, each of which offices shall be always open, Sundays and holidays included. It shall maintain at each such office a central bureau of records of males arrested for public intoxication within the boroughs assigned to such office.

5. The board shall, with the approval of the board of estimate and apportionment, acquire by purchase or condemnation a site, suitable for a hospital and industrial colony for the care and treat-



ment of inebriates and shall establish, equip and maintain a hospital and industrial colony thereon. The hospital and industrial colony may be within or without the city of New York. It shall provide for the care, treatment and occupation of inebriates in accordance with methods approved by medical science. If the hospital and industrial colony be located without the city the board may, with the approval of the board of estimate and apportionment, establish a reception hospital within the city.

6 Whenever, after the board of inebriety shall have been appointed, a male person shall be arrested for public intoxication, the fact of such arrest and the name and address of the person arrested, if it can readily be ascertained, shall be reported forthwith by telephone or otherwise to the office of the board for the borough in which the arrest is made by the person in charge of the station house to which the arrested person is taken. The board shall thereupon cause an investigation to be made by one of its field officers, concerning the person so arrested, ascertaining as far as may be possible the name, the address, the persons, if any, dependent upon him for support, his place of employment, if any, whether previously arrested for public intoxication, and if so, how many times, consulting as a part of such investigation the central bureau of records of arrests for public intoxication. If the investigation shows that the person has not been arrested for public intoxication so far as can be ascertained for the period of twelve months next preceding, the field officer shall, when the arrested person shall have recovered sufficiently from his intoxication, inform him that he may sign a request for his immediate release, addressed to the court having jurisdiction. Such request shall give the name and address of the arrested person and shall set forth what persons, if any, are dependent upon him for support, his place of employment, if any, and shall state that he has not been arrested for public intoxication within the twelve months next preceding. If such a request be signed, the field officer shall so inform the officer in charge of the place of custody of the arrested person and such officer shall thereupon release the person forthwith. The field officer shall, for the use of the court having jurisdiction of the case, transmit to said court such application, together with a report of the results of the investigation of the case made by said field officer. Such report shall contain such information as shall have been gathered by the

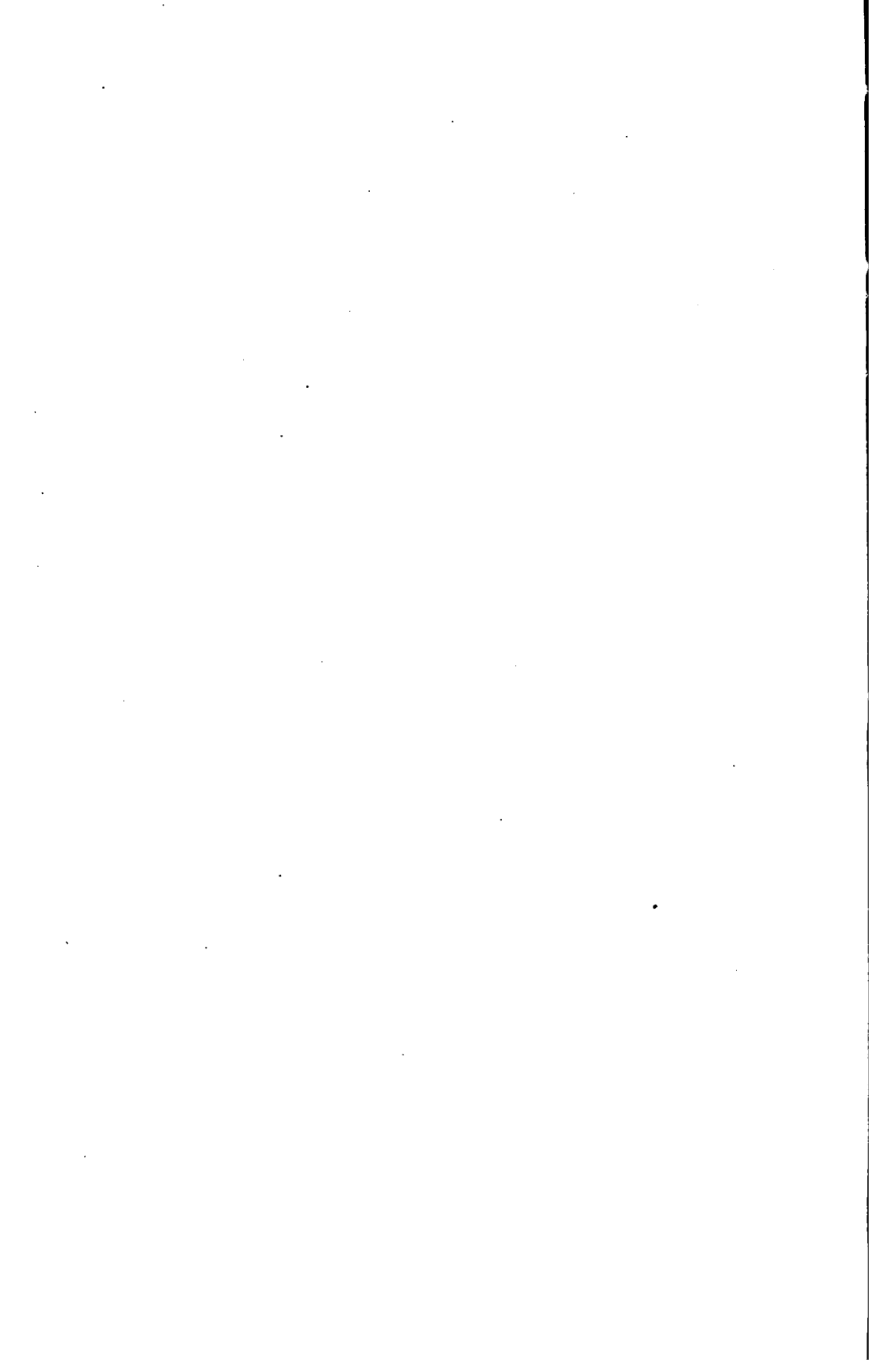


field officer, together with a statement of the sources of such information. In case a field officer discovers that a person arrested for public intoxication has been arrested within the twelve months next preceding, he shall report the results of his investigation to the court having jurisdiction of the case.

7. After the board of inebriety shall have been appointed, any male person who is a resident of the city of New York and who is adjudged by a court of record to be an inebriate may, upon his own application or upon the petition of a relative or of the commissioner of public charities or of the board of trustees of Bellevue and allied hospitals, and upon the certificate of two medical examiners in lunacy, be committed by such court to the board for a period of not less than one year nor more than three years. The provisions of law relating to the commitment of insane persons shall, so far as may be practicable, apply to the commitment of persons as inebriates under this subdivision of this section. For the purposes of this section, an inebriate shall be a person who is incapable of properly conducting himself or his affairs, or is dangerous to himself or others, by reason of habits of periodical, frequent or constant drunkenness, induced either by the use of alcoholic or other liquors, or of opium, morphine or other narcotic or intoxicating or stupefying substance.

8. Any person who shall bring, or cause to be brought, any intoxicating liquor or narcotic drugs upon premises used by the board for patients committed to it, except upon the written order of the superintendent of such institution, or who shall furnish any patient in any institution maintained by the board any intoxicating liquor or narcotic drugs, except upon the written order of a physician who is a member of the medical staff of the institution, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment for not less than thirty days nor more than one year or by a fine of not less than fifty dollars nor more than five hundred dollars.

9. The board may parole upon such terms as it may deem wise any person committed to its care and receiving treatment in its hospital and industrial colony whenever in its judgment such course would be wise. The person so paroled shall remain under the supervision of a field officer of the board, until the board considers that such person may safely be released from its supervision, or



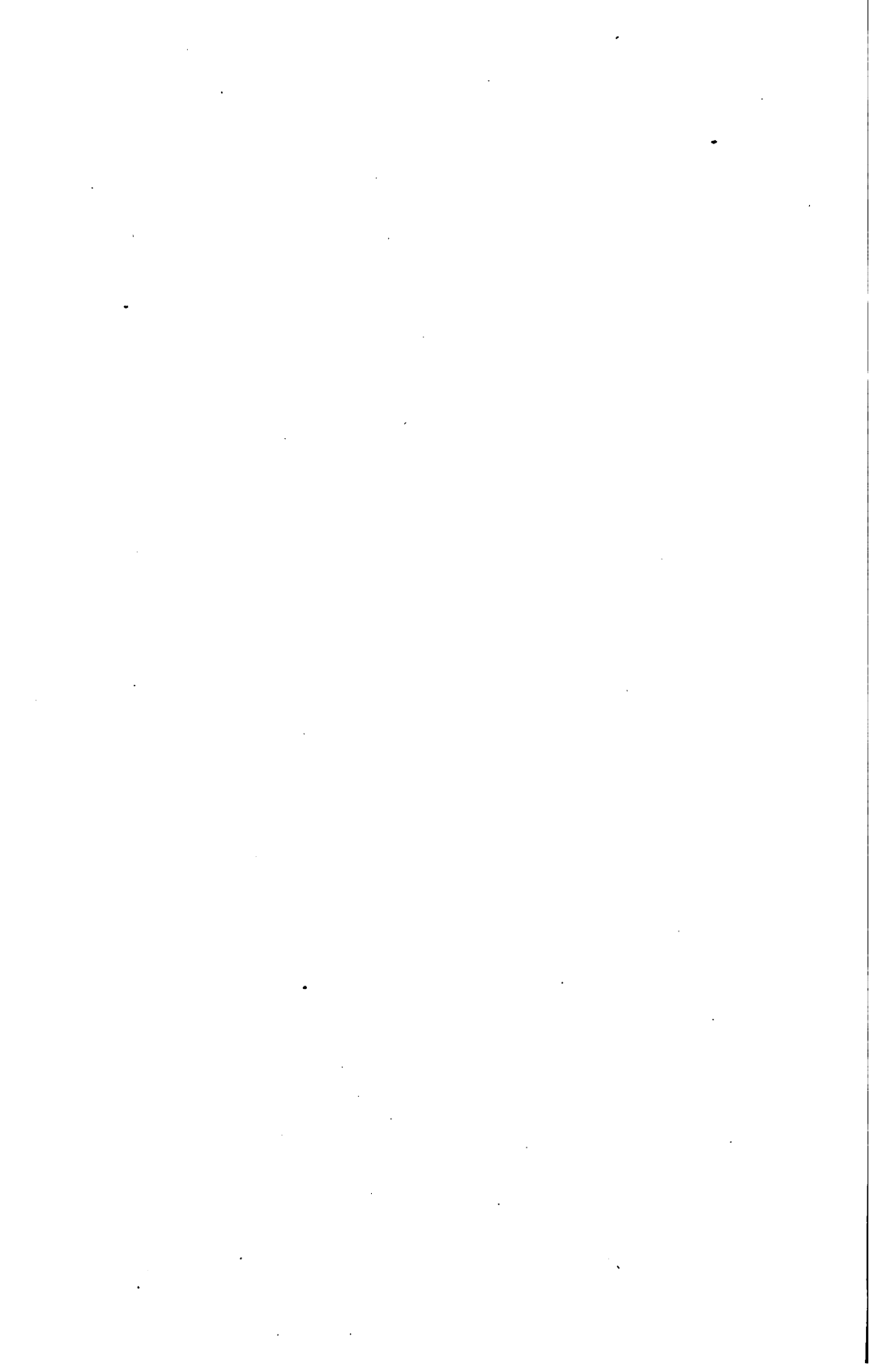
until the expiration of the maximum term for which such person was committed to its care. A field officer of the board, upon a warrant issued by the president and secretary of the board, shall arrest and return to the custody of the board any person paroled from such hospital and industrial colony, who shall have violated the terms of such parole. Such arrested person shall, in the discretion of the board, be returned to the hospital and industrial colony for inebriates, or taken before the court which committed such person to the board, whereupon application shall be made by said board to said court for the commitment of such person as provided in subdivision ten hereof. The board may discharge any person committed to it whenever in its judgment such person may safely be released from its supervision.

10. The board may apply to the court which committed any person to said board to release it from further care and custody of such person. Such application shall set forth facts tending to show that said person, either because of infraction of the rules and regulations of the board, or because of violation of the terms of his parole, or for other reasons, is an unsuitable person for further treatment in the hospital and industrial colony of the said board or under its supervision. The court may thereupon release said board from further custody and care of such person, and may make such other disposition of such person as may be authorized by law.

11. The board of inebriety shall collect money for the maintenance of any person committed to it, if said person, upon investigation, be found able to pay in whole or in part for his maintenance. The amount so collected shall in no case exceed the per capita per diem expense of maintaining patients in the hospital and industrial colony of said board. (*Added by L. 1910, ch. 551.*)

Commitment of persons convicted of public intoxication, disorderly conduct or vagrancy.

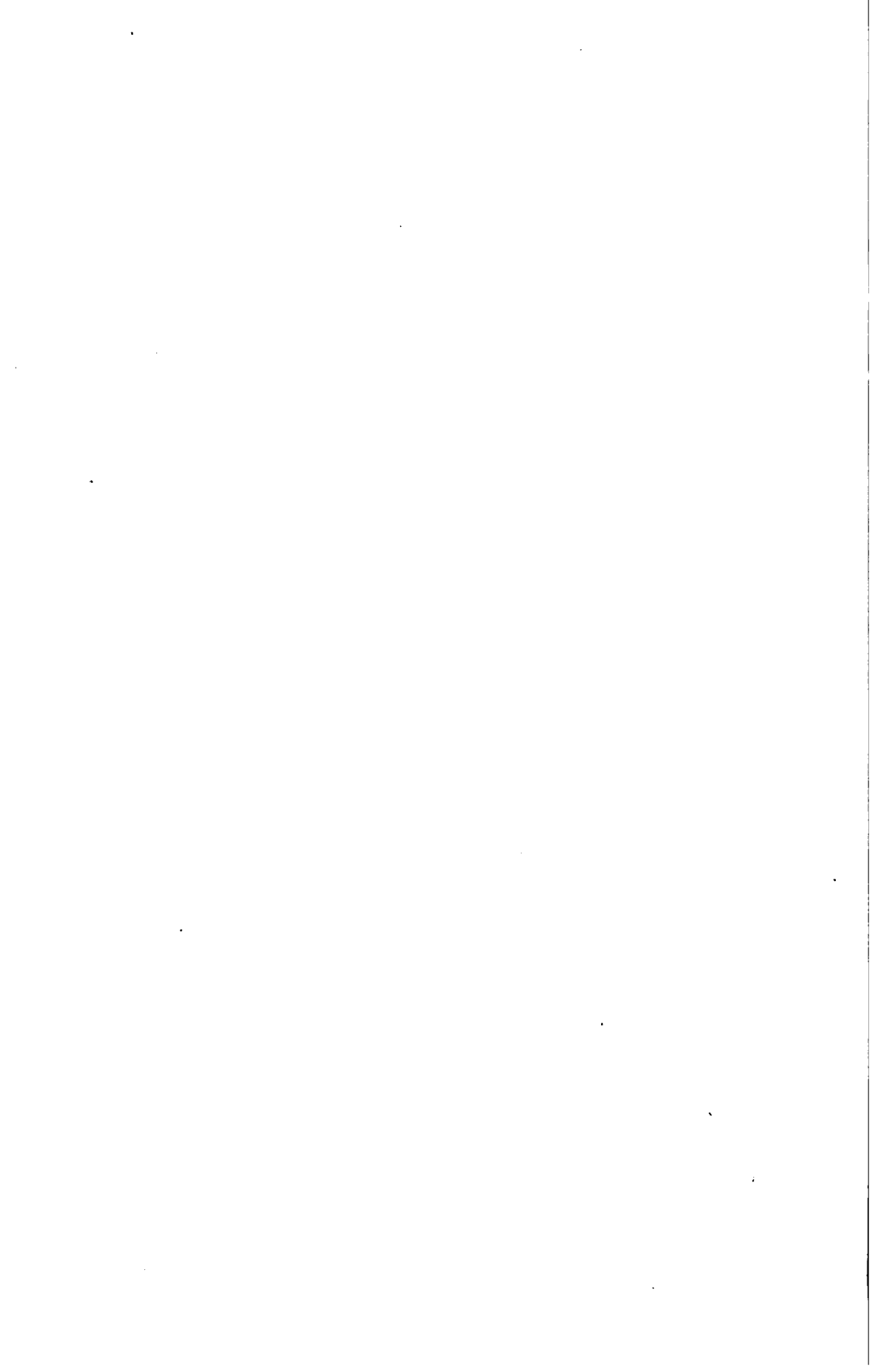
§ 707. Whenever any person other than a child under the age of sixteen years is convicted in the city of New York as constituted by this act, of public intoxication, disorderly conduct or vagrancy, the court or magistrate, before which or whom such conviction is had, shall, if it or he do not suspend sentence as hereinafter provided, impose upon the person so convicted one or other of the penalties herein provided. Upon a charge of vagrancy if the per-



son so convicted be a prostitute between the ages of sixteen and twenty-one, the court or magistrate may commit such person, for not exceeding one year, in the boroughs of Manhattan and The Bronx, to the Roman Catholic House of the Good Shepherd, the Protestant Episcopal House of Mercy or the New York Magdalen Benevolent Society; in the borough of Brooklyn, to the Wayside Home, House of the Good Shepherd or the Bethesda Home, and in the other boroughs to one of the above named institutions or to any other similar institution for women incorporated to carry on reformatory or rescue work in the city of New York. All other persons convicted upon a charge of vagrancy, including persons convicted as prostitutes and not committed to a reformatory as hereinabove provided shall be committed, in the boroughs of Manhattan and The Bronx, to the work house on Blackwell's island, in the borough of Brooklyn to the penitentiary of said borough, and in the other boroughs of said city to a county jail, for the term of six months. Upon a charge of public intoxication or of disorderly conduct the court or magistrate may impose a penalty as follows:

1. Commit the person so convicted in the boroughs of Manhattan and The Bronx, to the workhouse, in the borough of Brooklyn, to the penitentiary of said borough, and in the other boroughs of the said city, to a county jail or to the said workhouse or to said penitentiary, to be detained for the term of six months.

2. Impose a fine not exceeding ten dollars. Upon the payment of the fine imposed, the person so convicted shall be forthwith discharged from custody. If, in the judgment of the court or magistrate, the person so convicted may be relied upon to pay the fine imposed within a reasonable time, the person so convicted may be conditionally released, and shall be furnished by the clerk of the court with a written certificate that he is released upon condition that the fine imposed be paid into court within a time to be named in the certificate. If the fine be not paid within such time, the court or magistrate sitting in the magistrate's court in which such conviction was had, shall issue a warrant for the arrest of such person, and shall commit him pursuant to the provisions of this section, as to commitment in case of the nonpayment of a fine imposed, in the same manner as if he had not theretofore been conditionally released. If the fine imposed be not paid forthwith, the person so fined shall, if he be not conditionally released as hereinabove pro-



vided, be committed, in the boroughs of Manhattan and The Bronx to a city prison or county jail, and in the other boroughs of said city, to the county jail of the county in which he shall have been convicted, for not exceeding ten days, each day of imprisonment to be taken as a liquidation of one dollar of the fine.

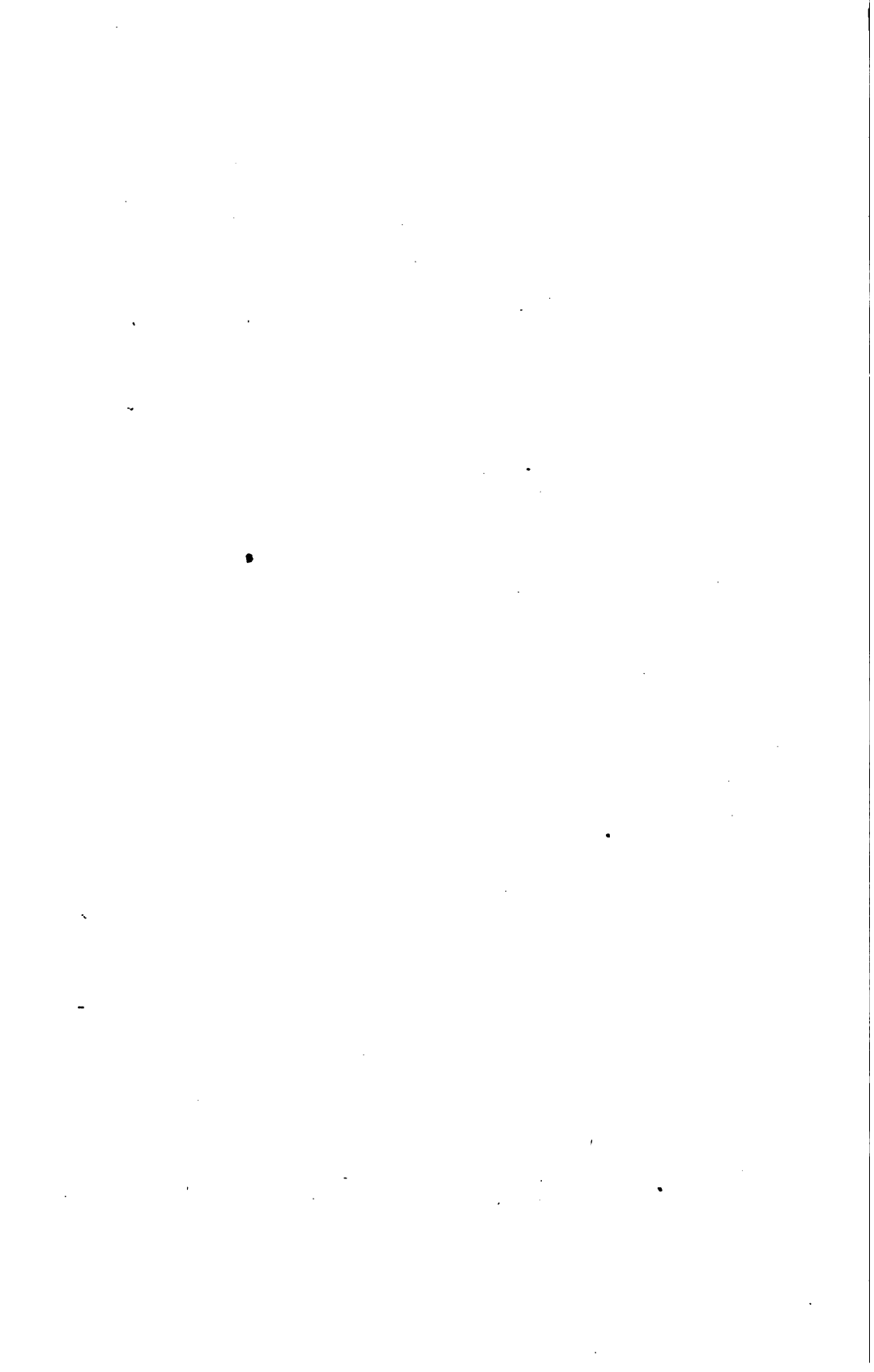
3. Require any person convicted of disorderly conduct to give sufficient surety or sureties for his good behavior for a period of time to be recited in the commitment, of not more than six months. In default of giving such surety forthwith, the court or magistrate shall commit such person, in the boroughs of Manhattan and The Bronx to the city prison, to be thereafter transferred to and detained in the workhouse, in the borough of Brooklyn to the penitentiary, and in the other boroughs of said city to the county jail of the county in which he shall have been convicted or to said workhouse, or to said penitentiary, to be there detained, unless sooner discharged pursuant to section seven hundred and eleven of this act, until such surety is furnished, or until the expiration of the period of time fixed by said commitment as aforesaid.

When a board of inebriety shall have been appointed and when the said board shall have certified in writing to the mayor that the hospital and industrial colony of the said board is ready to receive inmates, upon a charge of public intoxication, the court or magistrate having jurisdiction, notwithstanding any other provision of the charter of the city of New York, shall proceed in accordance with the following provisions:

1. Dismiss the complaint upon the receipt of a written request from the person arrested to be released, and upon the receipt of a report from a field officer of the board of inebriety.

2. Issue warrant for the arrest of a person released pursuant to the provisions of subdivision six of section six hundred and ninety-three of the charter of the city of New York and make such disposition of the case as is authorized in the subsequent provisions of this section.

3. Release the person so convicted, under the supervision of a field officer appointed by the board of inebriety, for a period of not less than six months nor more than one year, upon such conditions as the court may impose. The field officer, in case of the violation of any such condition or conditions, shall arrest the offender and bring him before the court. The court may there-



upon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released under supervision two or more times and has twice violated the conditions of his release.

4. Release the person so convicted, under supervision, as provided in the next preceding subdivision of this section, and in addition impose a fine of not to exceed twenty-five dollars. Such fine may be paid in instalments in such amounts and at such times as the court may determine and shall be paid to the board of inebriety at such place and in such manner as the board may direct. Failure to pay such fine in such amounts and at such times as the court may have determined shall be considered a violation of the terms on which such person was released under supervision, and the field officer shall thereupon arrest the offender and bring him before the court. The court may thereupon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released two or more times with an added fine imposed and has twice failed to pay the fine. All fines and portions of fines so collected shall be reported by the field officers to the court imposing such fines and shall be turned over to the board of inebriety and transmitted by such board monthly to the comptroller.

5. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than three months nor more than six months, provided such person has not been previously committed to the custody of such board, and provided he has previously been arrested for public intoxication within the twelve months next preceding.

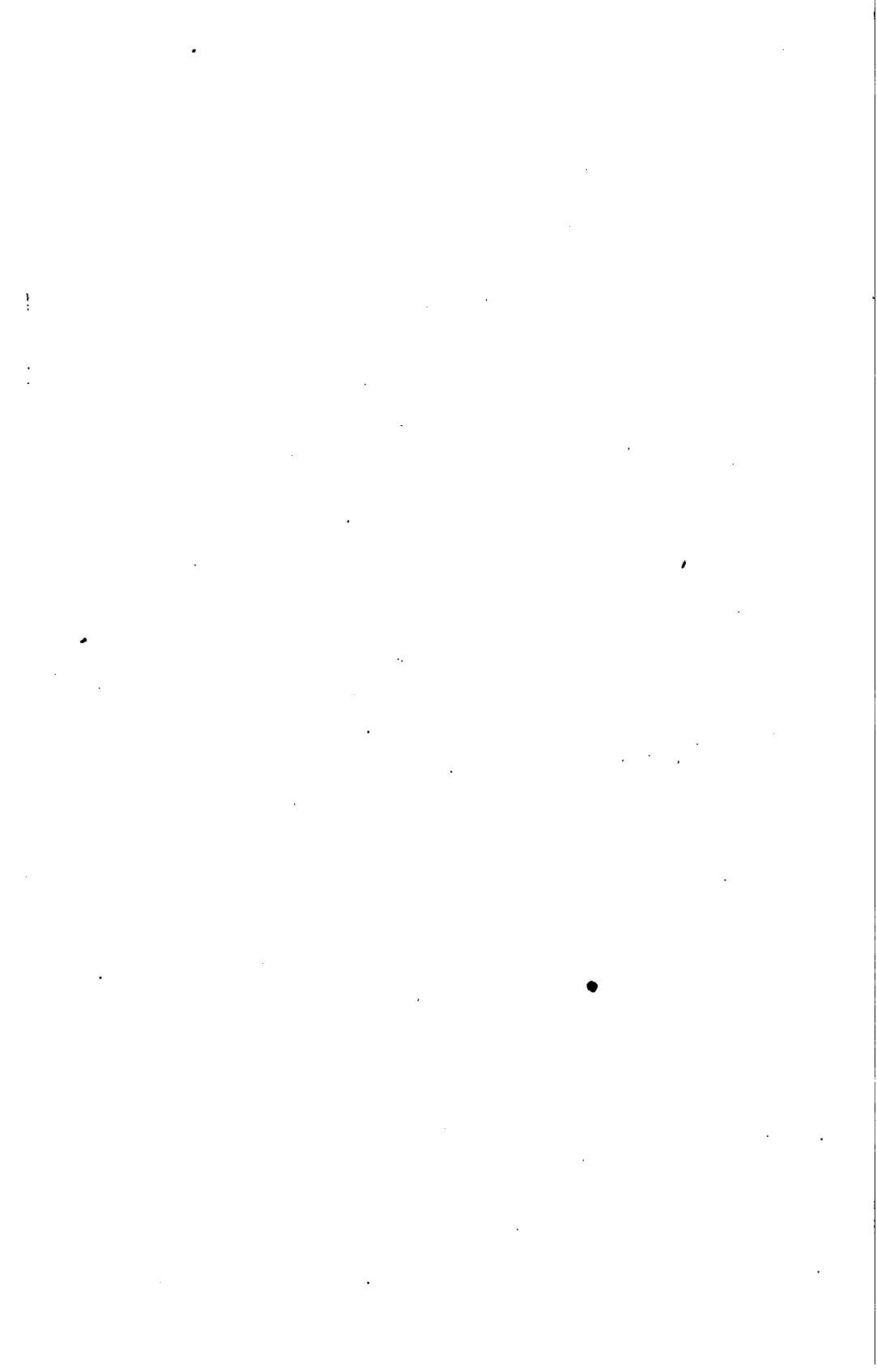
6. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than six months nor more than one year, provided such person has previously been committed to such board.

7. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence for a period not less than one year nor more than three years, provided such person has been previously committed two or more times to such board.

8. Commit the person so convicted to the workhouse for a period of not less than one year nor more than three years.

Nothing in this section contained shall be so construed as to

prevent any court or magistrate from committing any person so convicted to any state institution to which, and for any term longer than six months, for which such magistrate may now be authorized to commit by law. Any court or magistrate may suspend sentence in the case of any person convicted as in this section provided and may release such person upon probation upon such terms and conditions, and for such period of time, not exceeding six months, as the court or magistrate may deem best. A person released on probation in accordance with the provisions of this section shall be placed under the charge and supervision of a probation officer, to be appointed as provided in this section, and shall be furnished by the clerk of the court with a written statement of the terms and condition of his release, provided that when a board of inebriety shall have been appointed and when it shall have certified in writing to the mayor, that the hospital and industrial colony of the said board is ready to receive inmates, a male person convicted of public intoxication, if placed on probation, shall be placed under the supervision of a field officer appointed by the board of inebriety. If at any time during the probationary term of a person convicted and released under the provisions of this section it shall appear to the court before which, or the magistrate sitting in the magistrate's court in which the person so convicted was convicted, by report of the probation officer under whose care such person was placed, or otherwise, that such person has violated any of the terms or conditions of his release, the said court or magistrate may issue a warrant for the arrest of such person, and if it shall appear that such violation has occurred, it or he may commit him, in accordance with the provisions of this section, in the same manner as if such person had not theretofore been released upon probation. The board of city magistrates of each division of the city of New York, shall have authority to appoint such number of discreet persons of good character, either men or women, to serve as probation officers, as said boards may deem necessary, to serve during the pleasure of the court or board of magistrates appointing them. The board of city magistrates of each division of the city of New York shall assign the probation officers appointed by it to the various city magistrate's courts in its division, and each probation officer shall act only as an officer of the city magistrate's court to which he is so assigned. It shall be the duty of the probation offi-



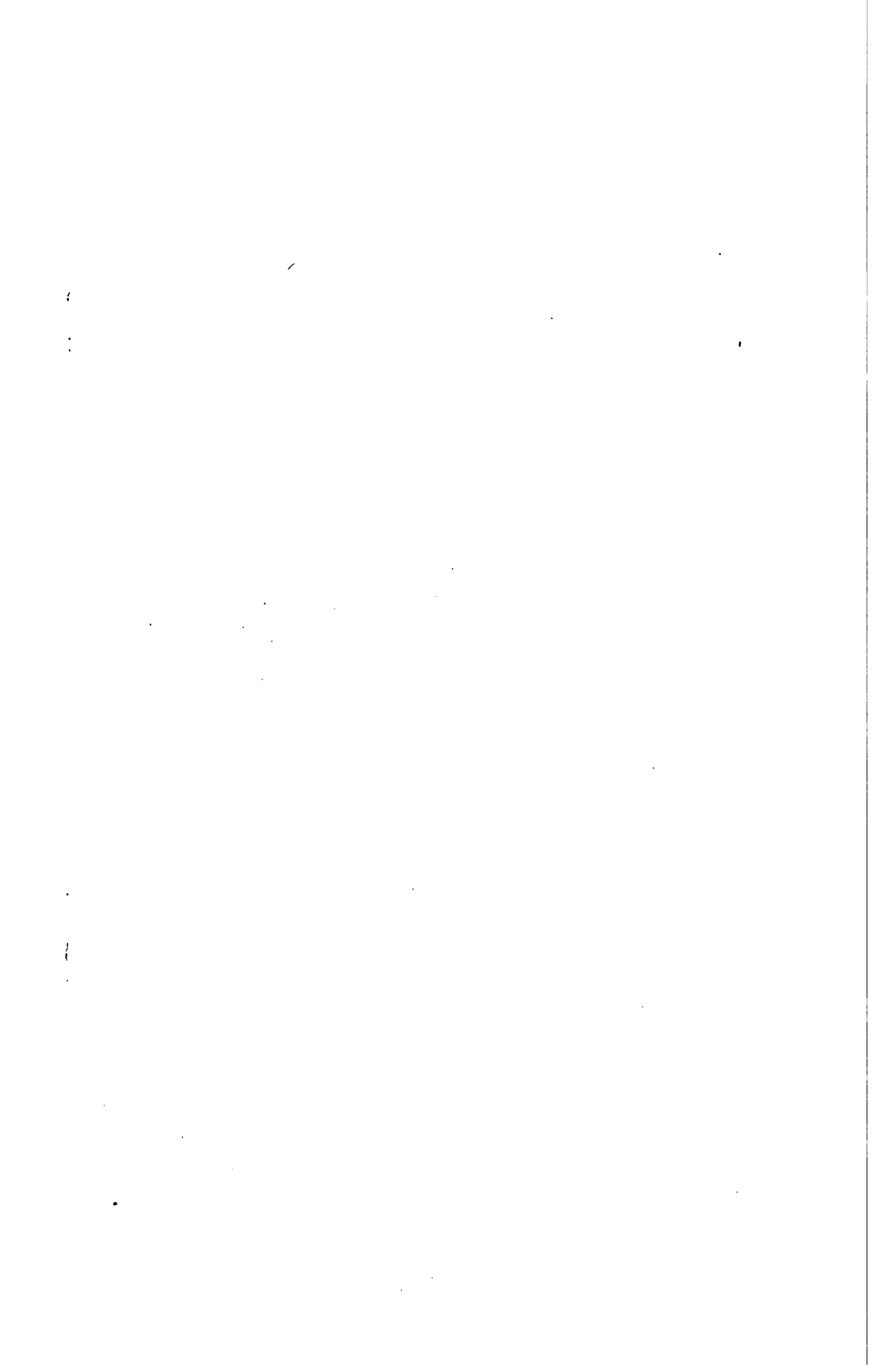
cers appointed under the provisions of this section to supervise the conduct of each person placed under their charge respectively, and to report any violation by any such person of the terms and conditions of his release; to make such investigation as may be required by the court or magistrate in the case of any person accused or convicted of public intoxication, disorderly conduct or vagrancy, and to furnish such information as may be necessary to assist the court or magistrate in making a proper disposition of each case; and to render such assistance, and advice to the persons placed under their charge as each case may require. If two or more probation officers are attached to any city magistrate's court, the court or magistrate shall designate the officer under whose charge each person on probation shall be placed. (*As amended by L. 1910, ch. 551.*)

Auxiliary fire alarm systems.

§ 743. All persons, partnerships or corporations engaged in the maintenance and operation of auxillary fire alarm telegraph systems from which rent, profit or compensation is derived, and which are connected with the fire alarm telegraph system maintained by the city of New York or who for the benefit of their patrons are permitted to make any use whatsoever of the service of said fire alarm telegraph system shall pay such reasonable compensation to the city of New York for such privilege and for such period of time as shall be fixed by the board of estimate and apportionment on the recommendation of the fire commissioner. (*Added by L. 1910, ch. 544.*)

Separate or partial reports in proceedings to acquire wharf property by corporation.

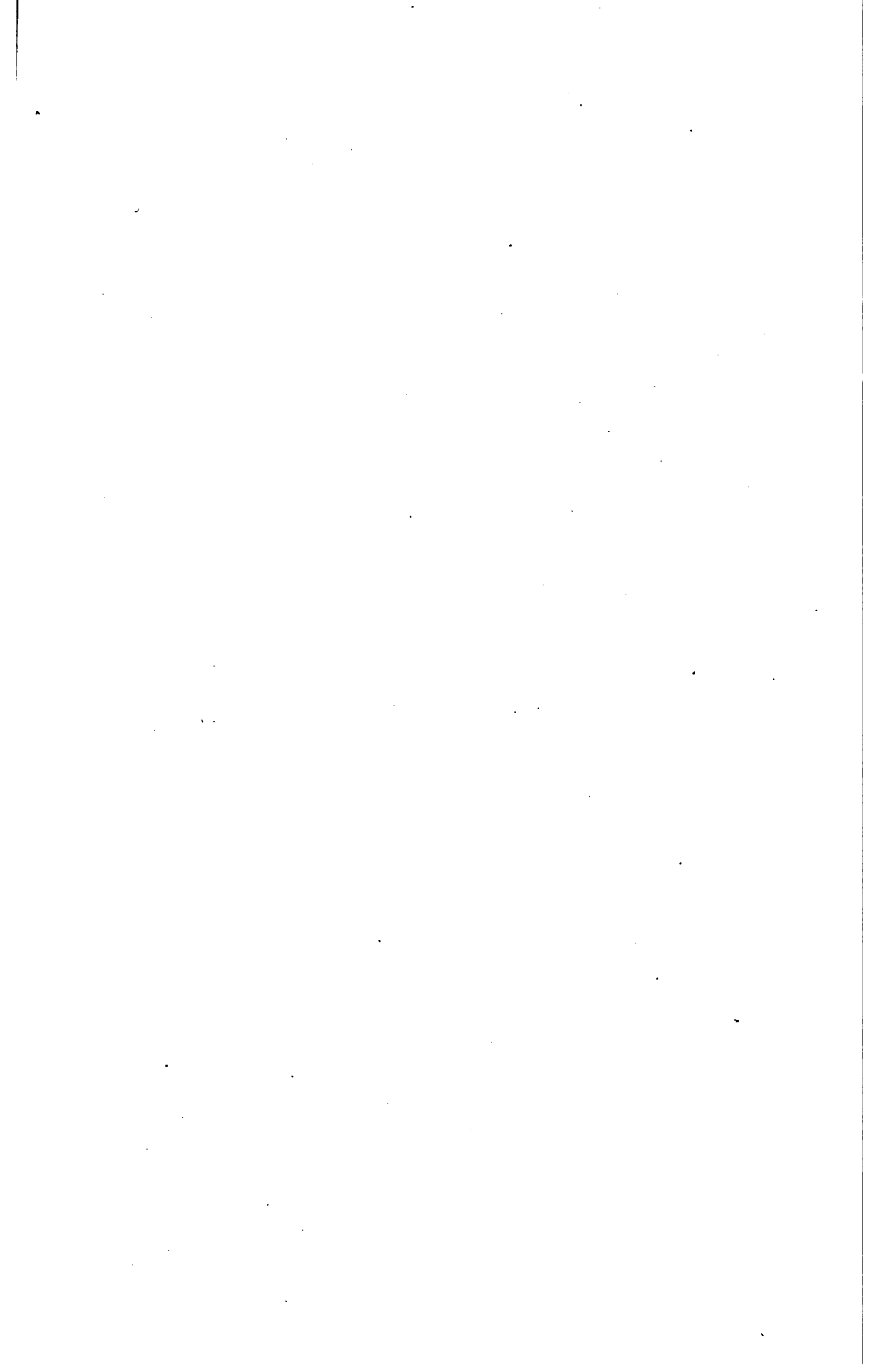
§ 822-a. The commissioners of estimate and appraisal, appointed and qualified in any legal proceeding heretofore or hereafter taken by the corporation counsel of the city of New York to acquire for the said city any property or rights pursuant to section eight hundred and twenty-two of this act, may, upon the completion or closing of the testimony by the claimant or claimants in relation to any one or more of several parcels of land, premises or property embraced in such proceeding, upon consent of the corporation counsel of the city of New York, receive the testimony to



be submitted on behalf of said city relating to such parcel or parcels, and may thereupon immediately ascertain and estimate the compensation which ought, justly, to be made, according to law, by the city of New York to the respective owners, lessees, parties and persons respectively entitled to or interested in one or more of said several parcels of land, premises or property, and make and file a separate abstract of estimate and report as to any or all of such several parcels and submit such separate abstract of estimate and a report to the supreme court. Each of such separate abstracts of estimate and such reports shall be made in the manner specified for the making and filing of the abstract of estimate and the report provided for in title four of chapter seventeen of this act and shall have the same force and effect when confirmed as abstracts of estimate and reports made and filed pursuant to the provisions of said title. All the provisions of said title, in relation to the completion, filing and presentation of a report to the supreme court for confirmation; and in relation to its effect when confirmed; and in relation to any appeal therefrom or review thereof, and in relation to the payment of the compensation therein allowed by said commissioners, shall apply to any such separate or partial report made by said commissioners pursuant to the provisions of this section. (*Added by L. 1910, ch. 245.*)

Grants of land under water restricted.

§ 876. No grants of land under water shall be made by the board of aldermen of the city of New York, or by any officer, board, or department thereof, beyond the exterior lines of the city of New York, as fixed by an act of the legislature, passed April seventeenth, eighteen hundred and fifty-seven, entitled "An act to establish bulkhead and pier lines for the port of New York," as amended by subsequent act, unless as expressly authorized by acts passed subsequent thereto. But the city of New York is authorized in its discretion to convey to the state of New York in fee simple absolute such dock lands and adjacent lands under water as may by resolution of the canal board be declared necessary for canal terminals, such lands to be and remain public lands under the sole control of the state. (*As amended by L. 1910, ch. 269.*)



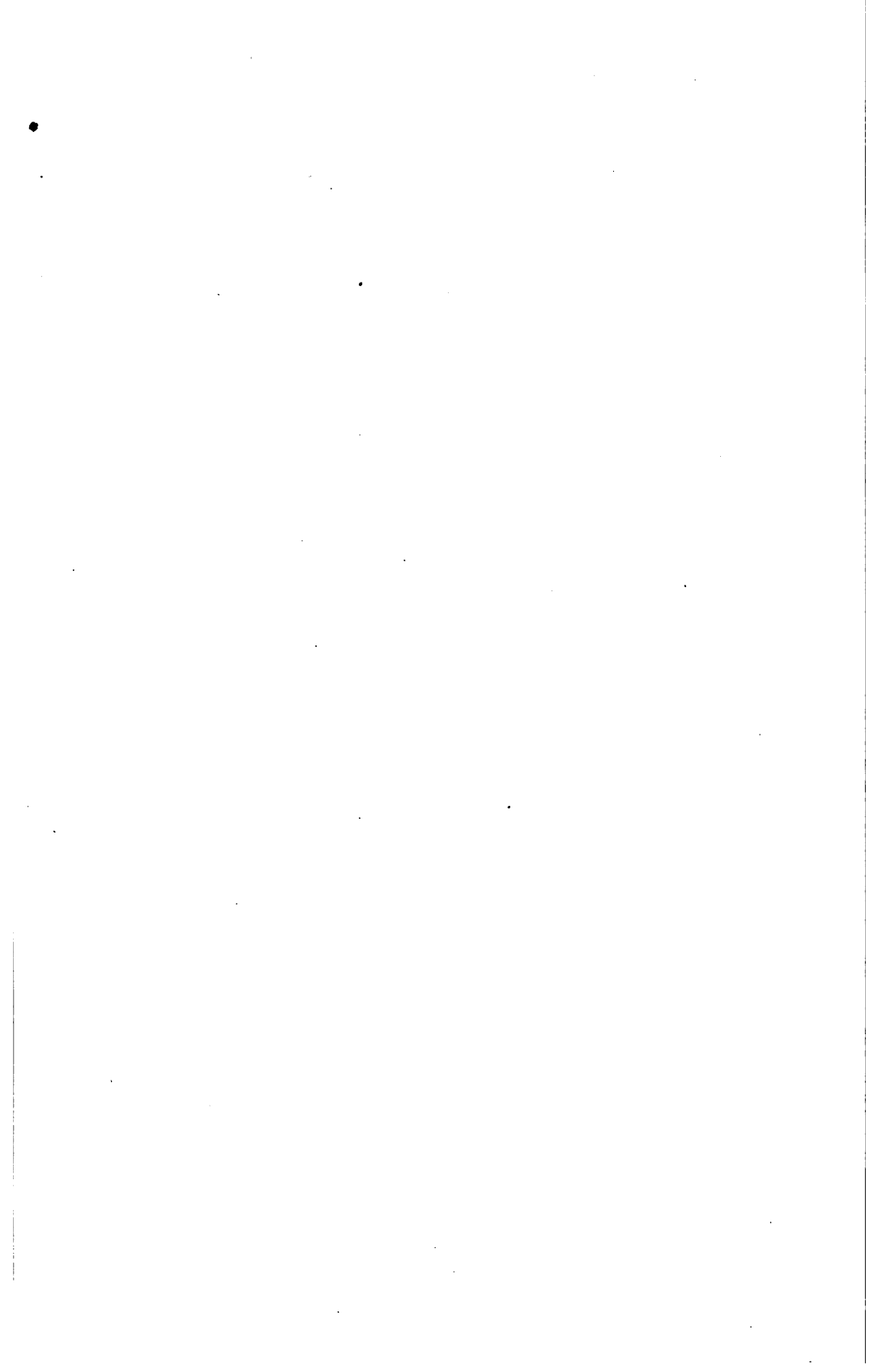
Paving and repaving of streets; character of materials; and method of payment therefor.

§ 948. Street pavement shall be divided into two classes, namely: Class "A" or permanent pavements, and class "B" or preliminary pavements. Class "A" shall include all pavements of sheet asphalt, asphalt block, wood block, granite block or other materials that shall, from time to time, be designated for this class by the board of estimate and apportionment. Class "B" shall include all pavements of bituminous macadam and such other pavements of less cost than those used in class "A" pavements, that shall from time to time be designated for this class by the board of estimate and apportionment. No street, or portion thereof, that shall have been paved with class "A" pavement shall be repaved at the expense of the adjoining property-owners, unless the majority of the owners of the property on the line of the proposed improvement shall petition for such repaving at their expense by assessment.

Whenever a street paved with class "B" pavement shall be repaved, the repaving shall be done with class "A" pavement, unless owners of property on the line of the proposed improvement petition the local board having jurisdiction for a second class "B" pavement, to be laid at the expense, by assessment, of the adjoining property-owners, and in such event second class "B" pavement shall be laid if said local board so orders, and the board of estimate and apportionment consents. Whenever a class "A" pavement shall be laid to replace a class "B" pavement that has been laid at the expense of the property-owners by assessment, there shall be deducted from the cost of such improvement the cost of the class "B" pavement, and the difference shall be paid by assessment upon the adjoining property, and the amount equal to the cost of said class "B" pavement shall be borne and paid by the city. But in no case shall the cost of a second or additional class "B" pavement be so deducted from the amount to be assessed for the laying of a permanent or class "A" pavement.

The class of the original pavement of any street shall in all cases be determined by the local board having jurisdiction and the board of estimate and apportionment.

Nothing herein contained shall be construed to relieve or release



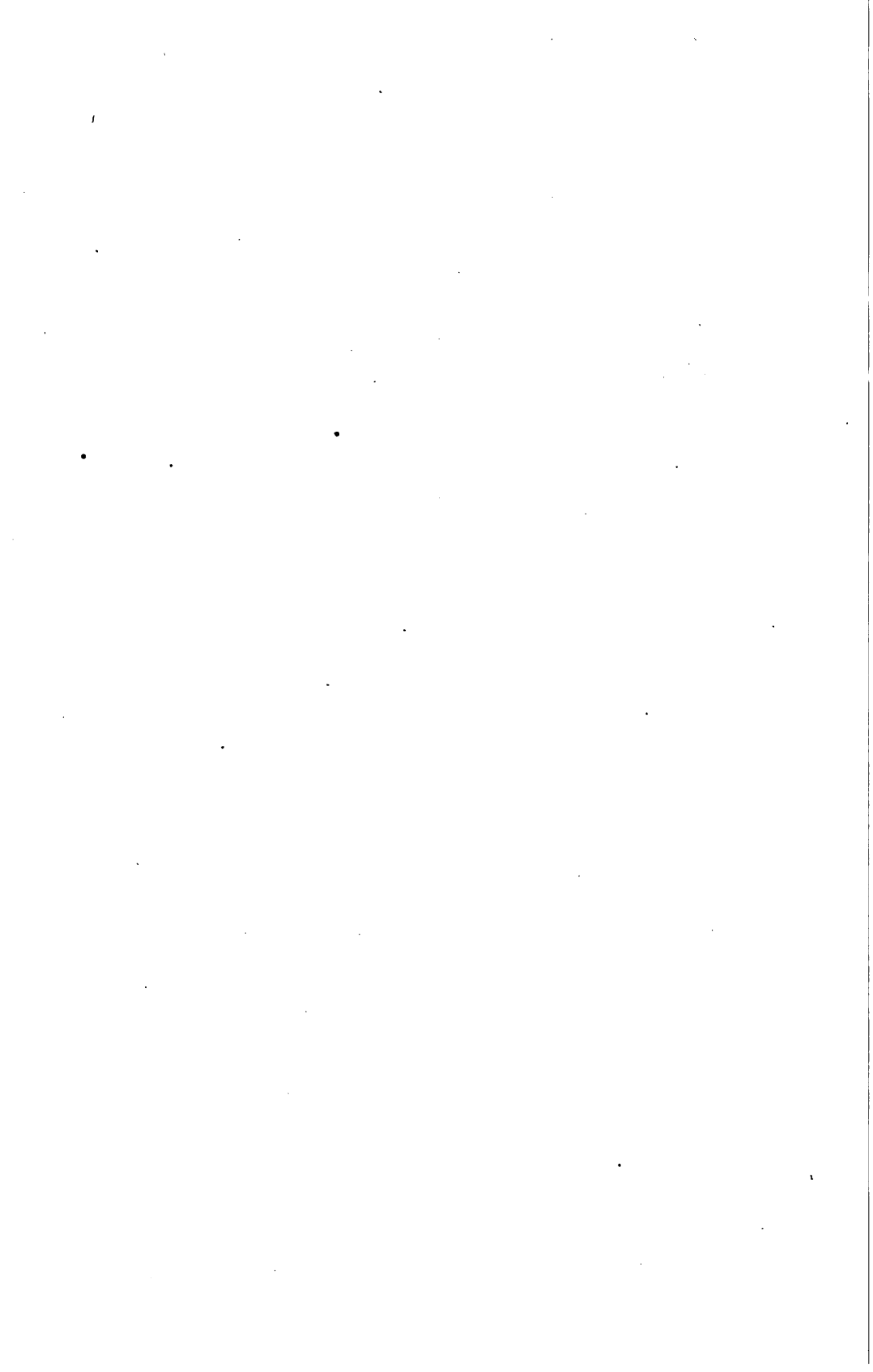
the owners of property, grantees of the city of New York, of or from any covenants to pave or repave or otherwise physically to improve any street or streets. (*As amended by L. 1910, ch. 546.*)

Assessments for grading streets and other property with material excavated in making other public improvements.

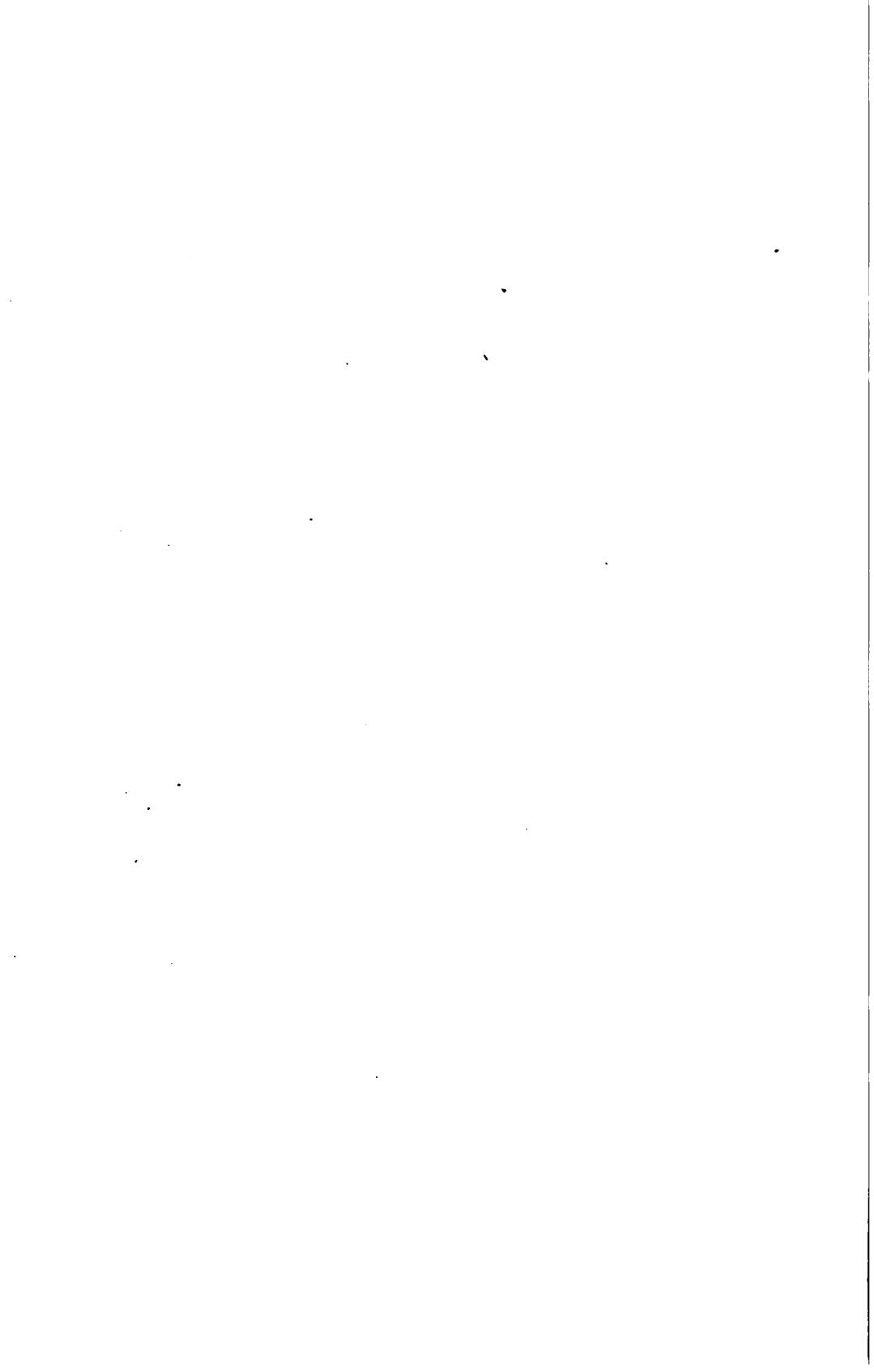
§ 955. Whenever it is provided in any public contract that the earth or other material excavated in the course of the public improvement to which it relates shall be deposited under the direction of a president of a borough or other city official so that the same may be utilized in filling in any public streets, or for other lawful purposes, the value of the earth or other material so used and any other necessary cost and expense in the premises shall be certified to the board of estimate and apportionment by the president of the borough within whose jurisdiction the work is done, or by such other city official having jurisdiction of the same, and said board shall thereupon determine whether any and, if any, what proportion of said amount shall be borne and paid by The City of New York, and shall certify to the board of assessors the aggregate amount of the value of the earth or other material and the other cost and expense as aforesaid, together with their determination in relation thereto. The board of assessors shall thereupon assess upon the property benefited the aggregate amount of such expense or such portion thereof as is authorized by law or such proportion thereof as may have been determined by the board of estimate and apportionment, in the same manner and with the same effect as other assessments for local improvements are made under the provisions of this title. (*As amended by L. 1910, ch. 550.*)

Authority to open streets, et cetera.

§ 970. The city of New York is authorized to acquire title either in fee or to an easement, as may be determined by the board of estimate and apportionment, for the use of the public to all or any of the lands required for streets, parks, approaches to bridges and tunnels, sites or lands above or under water for bridges and tunnels, and sites or lands above or under water, for all improvements of the navigation of waters within or separating portions of the city of New York, or of the water fronts of the city of New



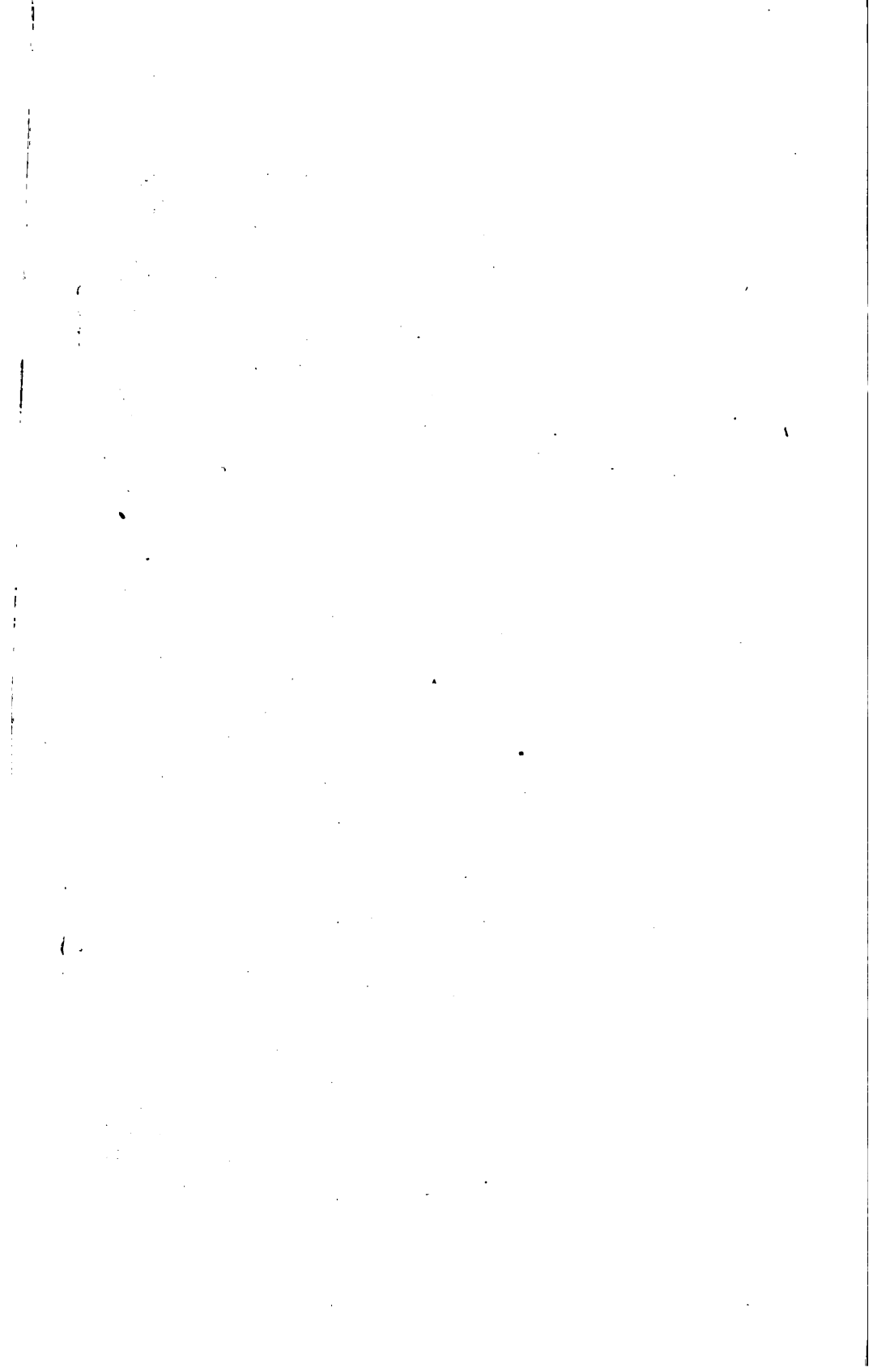
York, or part or parts thereof, heretofore duly laid out upon the map or plan of the city of New York, of the city of Brooklyn, of Long Island City or of any of the territory consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or hereafter duly laid out upon the map or plan of the city of New York, as herein constituted, and to cause the same to be opened, or to acquire title as above stated to such interests in lands as will promote public utility, comfort, health, or adornment, the acquisition of which is not elsewhere provided for. The board of estimate and apportionment is authorized to specify what use is required of the lands which it may determine to be acquired for public use, and the extent of such use, and it is hereby authorized to change the map or plan of the city of New York in accordance with the provisions of this act, on this subject, and to direct the same to be acquired whenever and as often as it shall deem it for the public interest so to do. The lands, tenements and hereditaments that may be required for such purposes may be taken therefor, and compensation and recompense made to the parties and persons, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and advantage thereof, for the excess of the damage over and above the value of said benefit. The city of New York is authorized to make application, or to cause application to be made, to the supreme court of this state in the first judicial department, when the lands to be taken are situated within New York county, and in the second judicial department, when the lands to be taken are situated in the counties of Kings, Queens or Richmond for the appointment of commissioners of estimate to ascertain and determine the compensation and recompense which should justly be made to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises proposed to be taken for any of the purposes aforesaid, and, in a proper case, for the appointment of one of such commissioners of estimate as a commissioner of assessment to assess the cost of such improvement or such proportion thereof as the board of estimate and apportionment directs, upon such parties and persons, lands and tenements as may be deemed to be benefited thereby. The board of estimate and apportionment may authorize as many proceedings to be joined in one ap-



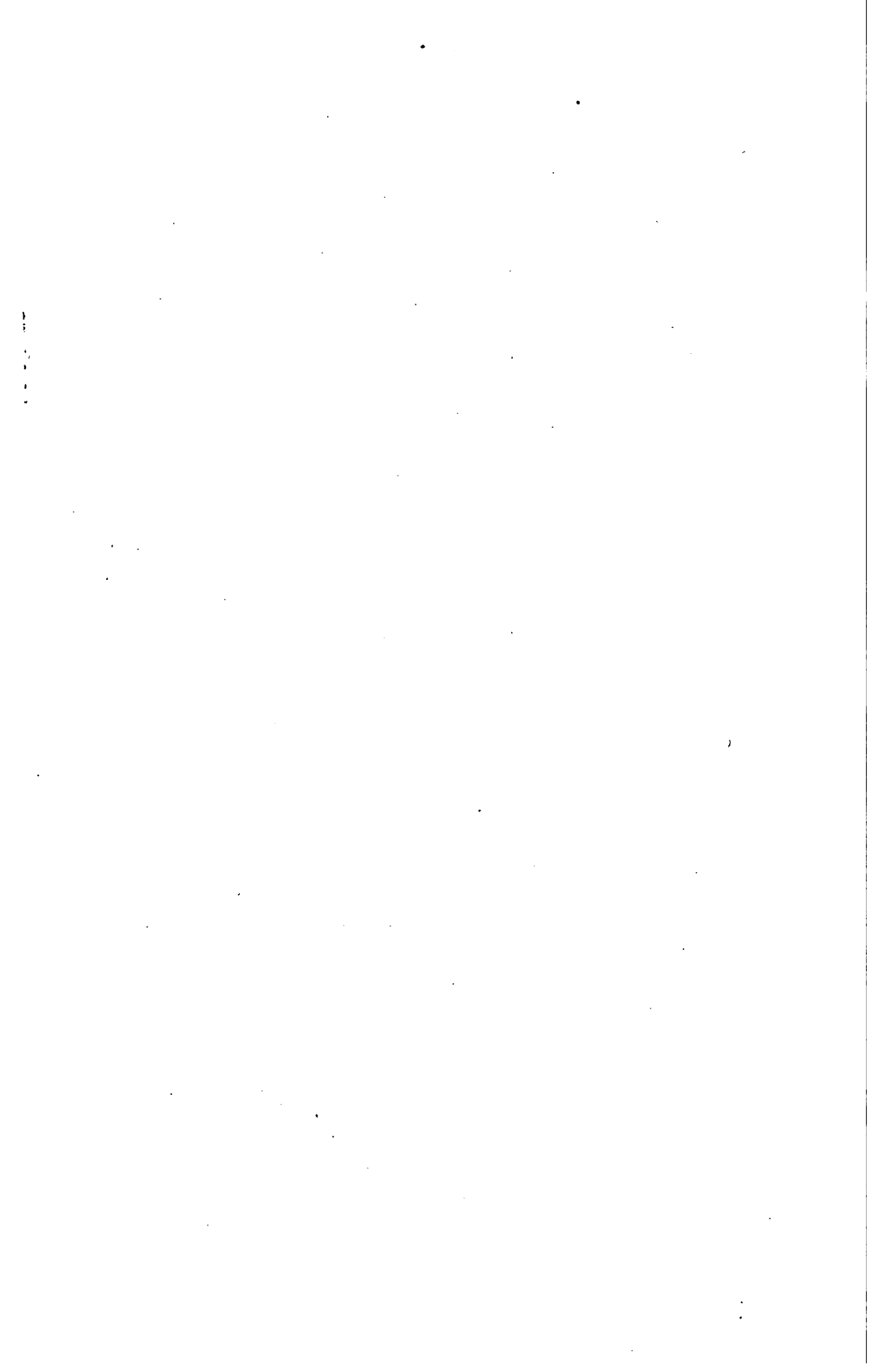
plication for the appointment of commissioners of estimate or commissioner of assessment as it may deem advisable for the public interest. In the latter proceedings, whether now pending or hereafter authorized, it may determine upon a partial or separate area or areas of benefit for the opening of a street or streets joined in one application or for as many streets as it may see fit, and authorize that a partial or separate report or reports containing both the awards for damage and the assessments for benefit be made by the commissioners of estimate and the commissioner of assessment and presented together for confirmation. Notice of a hearing upon such partial or separate area or areas of assessment may be given, as herein provided either before the application for the appointment of the commissioners of estimate and assessment or during the pendency of the proceeding. It may also include in a single proceeding contiguous premises to be acquired in more than one borough of the city of New York, and authorize the appointment of commissioners of estimate and a commissioner of assessment therefor, to be selected from any of the boroughs embracing the premises sought to be acquired, and it may make and determine upon an area of assessment covering more than one borough, in such and all other proceedings, and all the provisions of this title as amended shall be applicable thereto. The moneys collected upon the assessment of the commissioner of assessment shall be paid into the city treasury. The damages awarded by the commissioners of estimate shall become due and payable immediately upon the confirmation of the report of said commissioners of estimate. (*As amended by L. 1910, ch. 336, § 1.*)

Application for the appointment of commissioners.

§ 973. Whenever the opening of any street or the acquisition of title to lands, tenements, and hereditaments for the purposes herein specified shall have been duly authorized and directed, as provided in this act, it shall be the duty of the corporation counsel immediately to institute a proceeding to acquire title for the use of the public to the lands, tenements, hereditaments and premises required therefor, and upon due notice by advertisement duly published in the "City Record" and the corporation newspapers for ten days, and by causing copies of the same in handbills to be posted for the same space of time in three conspicuous places



adjacent to the property to be affected by the intended improvement, to make application to the supreme court, in the appropriate department thereof within the city, and in the manner appropriate to proceedings for the appointment of commissioners of estimate or of assessment or both, indicating in such application the land required for that purpose by reference to the maps on file in his office and referring to the area of assessment fixed by the board of estimate and apportionment. Upon such an application it shall be lawful for the said court to appoint three discreet and disinterested persons, being citizens of the United States, all of whom shall be residents of the borough where the property to be taken is located, commissioners of estimate and one of said commissioners of estimate, commissioner of assessment in said proceeding, for the performance of the duties in this title mentioned. Where a single street opening proceeding embraces land in more than one borough, the commissioners may be residents of any one of such boroughs. The person appointed both commissioner of assessment and of estimate shall be so designated in order appointing the commissioners. The persons so appointed commissioners of estimate shall be subject to the right of challenge on the ground of interest, incapacity or disqualification to be exercised by the corporation counsel or by any person having interest in the said proceedings; and if any of them be rejected for good cause, or refuse to serve, then another shall be appointed in his stead by the court. Ten days' notice of the appointment of the commissioners of estimate, Sundays and holidays excluded, shall be published in the City Record and the corporation newspapers, and the corporation counsel shall cause a copy of such notice to be served by mail or otherwise any time before the return day specified therein upon such parties or their attorneys as have filed a notice of claim or of appearance in the proceeding. The said notice shall specify the names of the persons appointed as commissioners and appoint a day when the parties may be heard at a special term of the supreme court as to the qualifications of the said commissioners. The persons named as commissioners of estimate shall attend at the time and place appointed and may be examined under oath as to their qualifications to act. Any ground of challenge which would disqualify a judge or juror shall be applicable to them, and any challenge must be tried and determined

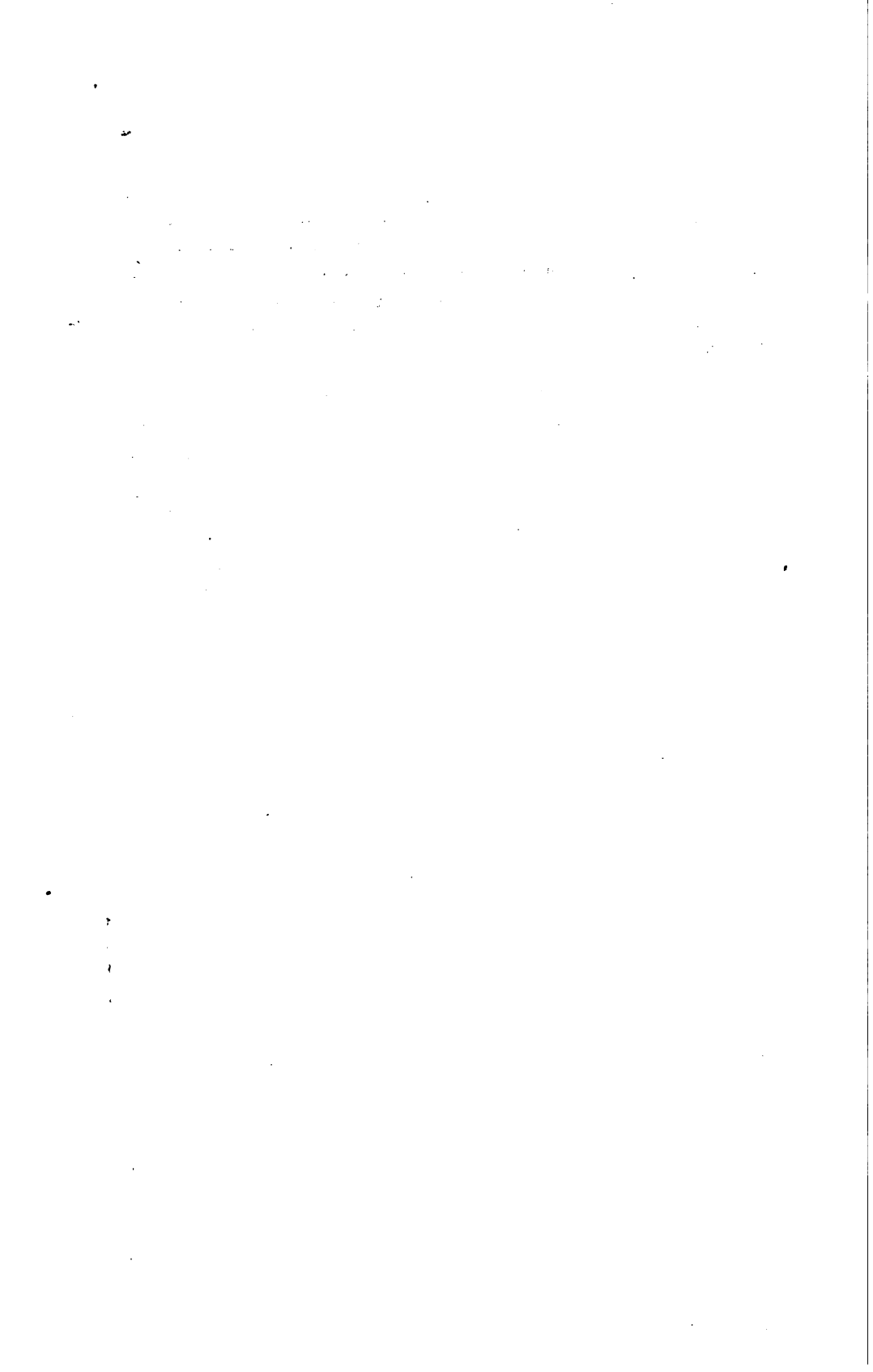


by the court in the mode described by the law in respect to the challenge of jurors, and such determination may be excepted to and reviewed as in the case of jurors. Where a challenge is sustained and a new commissioner is appointed, such new commissioner shall be subject to challenge in the same way, to be heard and determined by the court at such time as the court may direct. (*As amended by L. 1910, ch. 336, § 2.*)

Owners of land required for streets may convey to the city.

§ 992. Any owner or owners of land and of all the estate therein embraced within the lines of any street laid down and shown on the map or plan of The City of New York, and extending from a side of said street to or beyond its center line, may, without compensation and before the appointment of the commissioners, convey all their right, title and interest therein, providing the same shall be free from incumbrances inconsistent with the title to be acquired by the city, to the city of New York, and upon the delivery of such conveyances to the corporation counsel of said city with affidavits made by all such owners to the effect that the persons making them, are the owners of the estates in such lands so conveyed by them, respectively, and stating their interests, and that such estates in such lands are free of all *incumbrances, except as aforesaid, it shall be the duty of such corporation counsel to examine such conveyances and papers, and if such title shall not be rejected for good cause, by such corporation counsel, he shall cause the said conveyances to be recorded in the office in which conveyances of real estate are recorded in the county in which such lands are located within sixty days after their delivery to him, and file them with the comptroller of such city, and thereupon the city of New York shall become vested with the title to said lands to the same effect and extent as if they had been acquired by a proceeding taken for the opening of that portion of said street; after the making and acceptance of such conveyances, no proceedings to open the lands so conveyed shall be taken or maintained, nor shall the lands fronting on that portion of the streets so conveyed, and extending to the center of the block on either side of such portion of said street so conveyed, be chargeable with any portion of the expense of opening

* So in original.



the residue or any portion of the residue of such street, except the due and fair proportion of the awards that may be made for buildings as aforesaid. (*As amended by L. 1910, ch. 548.*)

Board of education; to dispose of personal property; disposition of proceeds; to lease property and make contracts.

§ 1066. The board of education shall have power, in the name of the city of New York and for said city, to dispose of such personal property used in the schools or other buildings under the charge of said board as shall no longer be required for use therein, and to sell at prevailing market prices such manufactured articles or other products of its vocational, trade, preparatory trade schools, and truant schools, day and evening, as may not be utilized by the board of education, and all moneys realized by the sale thereof shall be paid into the city treasury and shall at once be appropriated by the board of estimate and apportionment, to the special school fund of the board of education for use in the borough in which the property sold was situated. Said board shall have power to lease property required for the purpose of furnishing school accommodations, and to prepare and execute leases therefor. (*As amended by L. 1910, ch. 456.*)

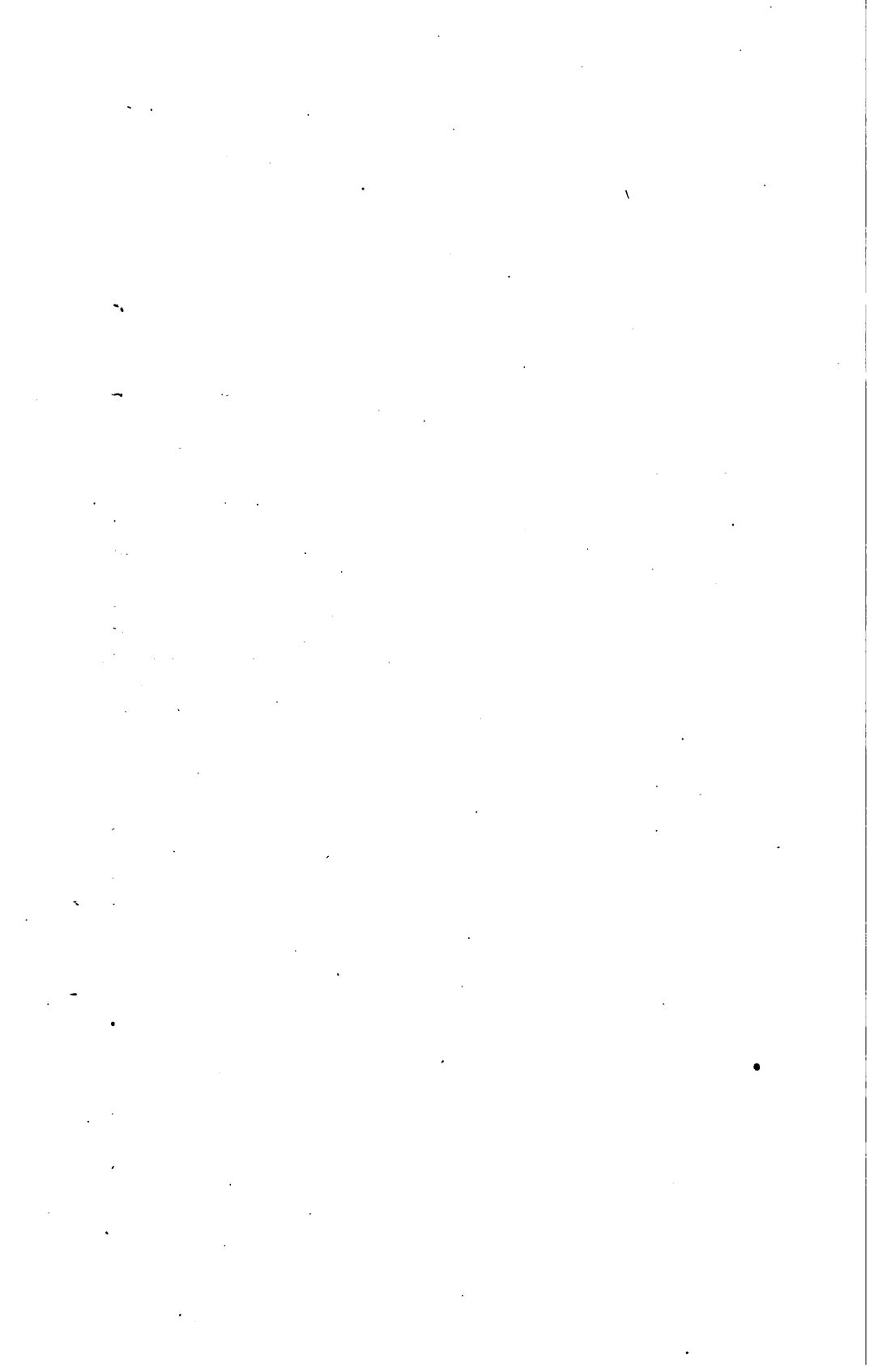
Public dance hall; defined.

§ 1488. The words "public dance hall," when used in this title, shall be taken to mean

Any room, place or space in The City of New York in which dancing is carried on and to which admission can be had by payment of a fee, or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for caring for clothing or other property, other than a hotel having upwards of fifty bedrooms, or

Any room, place or space in The City of New York, located upon premises which are licensed to sell liquors, other than a hotel having upwards of fifty bedrooms, in which dancing is carried on and to which the public may gain admission, either with or without payment of fee.

The word "dancing" as used in this and the succeeding sections shall not apply to exhibitions or performances in which the persons



paying for admission do not participate. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

Public dance hall; dancing academy forbidden without license.

§ 1489. No public dance hall shall be conducted nor shall dancing be taught or permitted in any public dance hall unless it shall be licensed pursuant to this act and the license be in force and not suspended. Any person violating this section shall be guilty of a misdemeanor. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

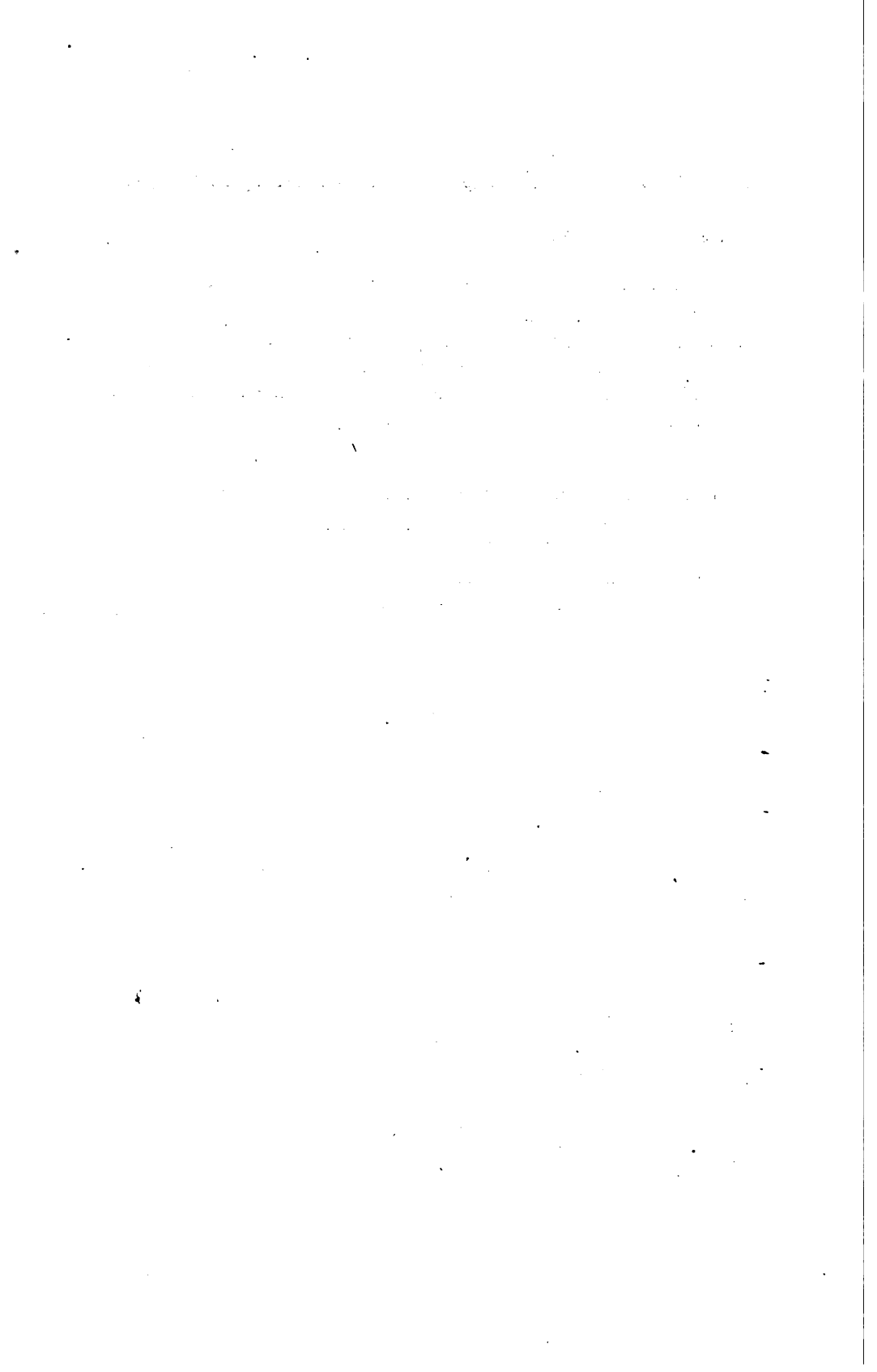
Public dance hall; license of; requirements.

§ 1490. All public dance halls shall be licensed by the mayor or other licensing authority of The City of New York; the fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued on or between the first day of April and the thirtieth day of September of any year shall expire on the thirty-first day of March of the succeeding year. All licenses issued on or between the first day of October and the thirty-first day of March of any year shall expire on the thirtieth day of September of the succeeding year. No license shall be issued unless the place for which it is issued complies with all laws, ordinances, rules and the provisions of any building code applicable thereto and is a safe and proper place for the purpose for which it shall be used, properly ventilated and supplied with sufficient toilet conveniences. Every licensed public dance hall shall post its license at the main entrance to its premises. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

No license without report after inspection.

§ 1491. No license shall be issued until the licensing authority shall have received a written report of an inspector that the building or premises to be licensed complies with section fourteen hundred and ninety of this title. No license shall be renewed except after reinspection by the licensing authority. Additional inspection of every licensed place may be made under the direction of the licensing authority. All inspectors shall be permitted to have access to all public dance halls at all reasonable times and whenever they



are open for dancing, instruction in dancing or for any other purpose. Inspectors shall be required to report all violations. All reports shall be in writing and shall be filed and made public records. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

Public dance halls; sale of liquors therein.

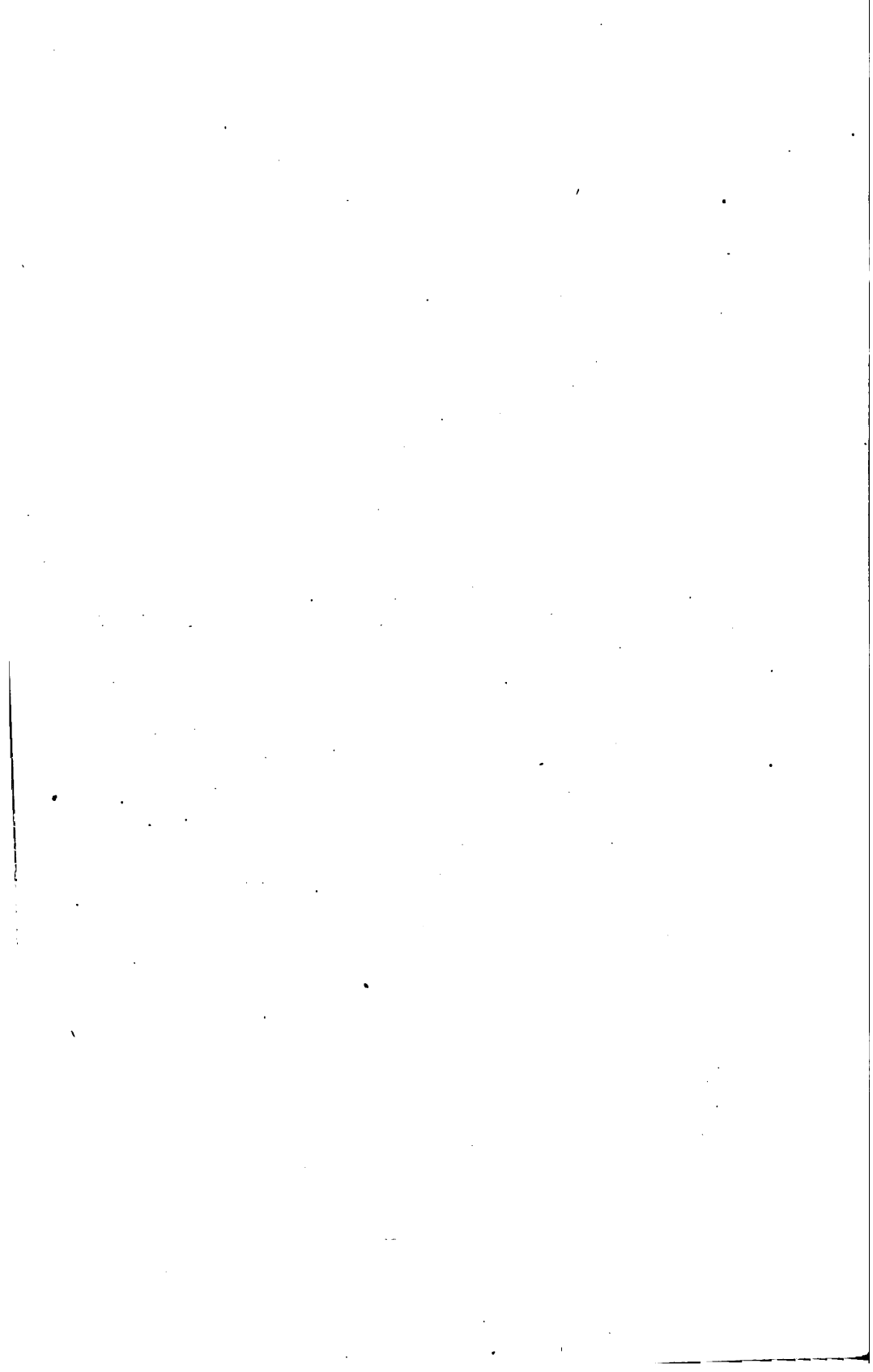
§ 1492. Dancing shall not be permitted in any place in The City of New York licensed to sell liquors, except in a hotel having upwards of fifty bedrooms, unless such place shall also be licensed under section fourteen hundred and ninety. Violation of this provision shall be deemed a violation of the liquor tax law with respect to such premises. No liquors shall be sold, served or given away, in any public dance hall in which dancing is advertised to be taught, or in which classes in dancing are advertised to be maintained, or in which instruction in dancing is given for hire; or in any room connected with such hall. The word "liquors" as used in this section shall be construed as defined in the liquor tax law of this state.

The licensing authority shall immediately notify the state commissioner of excise of the granting or renewal or revocation or forfeiture of any license issued under this title to any place or premises which are licensed to sell liquor. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

License; when forfeited or revoked.

§ 1493. The license of any public dance hall may be forfeited for habitual disorderly or immoral conduct permitted on the premises and shall be forfeited on conviction of any person for violation of section fourteen hundred and ninety-two of this act, or upon the conviction of any person for violation of section fourteen hundred and eighty-four or section eleven hundred and forty-six of the penal law in or with respect to the premises of any public dance hall. The license of any public dance hall may be revoked by the licensing authority whenever the licensed premises do not comply with section fourteen hundred and ninety of this act, provided that the licensee or person in charge shall be served with a copy of the report or complaint. In any case where a license is revoked or



where the licensing authority refuses to renew a license, reasons for the action must be stated in writing and shall be public records. Should the license of any place have been revoked twice within a period of six months, no new license shall be granted to such place for a period of at least one year from the date of the second revocation. (*Added by L. 1910, ch. 547.*)

See L. 1909, ch. 400.

Inspectors of dancing academies; appointment of.

§ 1494. The mayor or licensing authority of The City of New York may appoint such inspectors and other officials necessary to carry out the provisions of section fourteen hundred and eighty-nine, fourteen hundred and ninety, fourteen hundred and ninety-one, fourteen hundred and ninety-two and fourteen hundred and ninety-three as may be authorized by the board of estimate and apportionment of the city or authority having the right to appropriate public money. The money paid for licenses under this act shall be applied toward the payment of the salaries of the inspectors appointed hereunder. Any deficiency and any other expense of carrying this act into effect until appropriation can be made therefor shall be met by the issue of special revenue bonds of the city. The inspectors to be appointed under this section shall be designated as inspectors of public dance halls. (*Added by L. 1910, ch. 547.*)

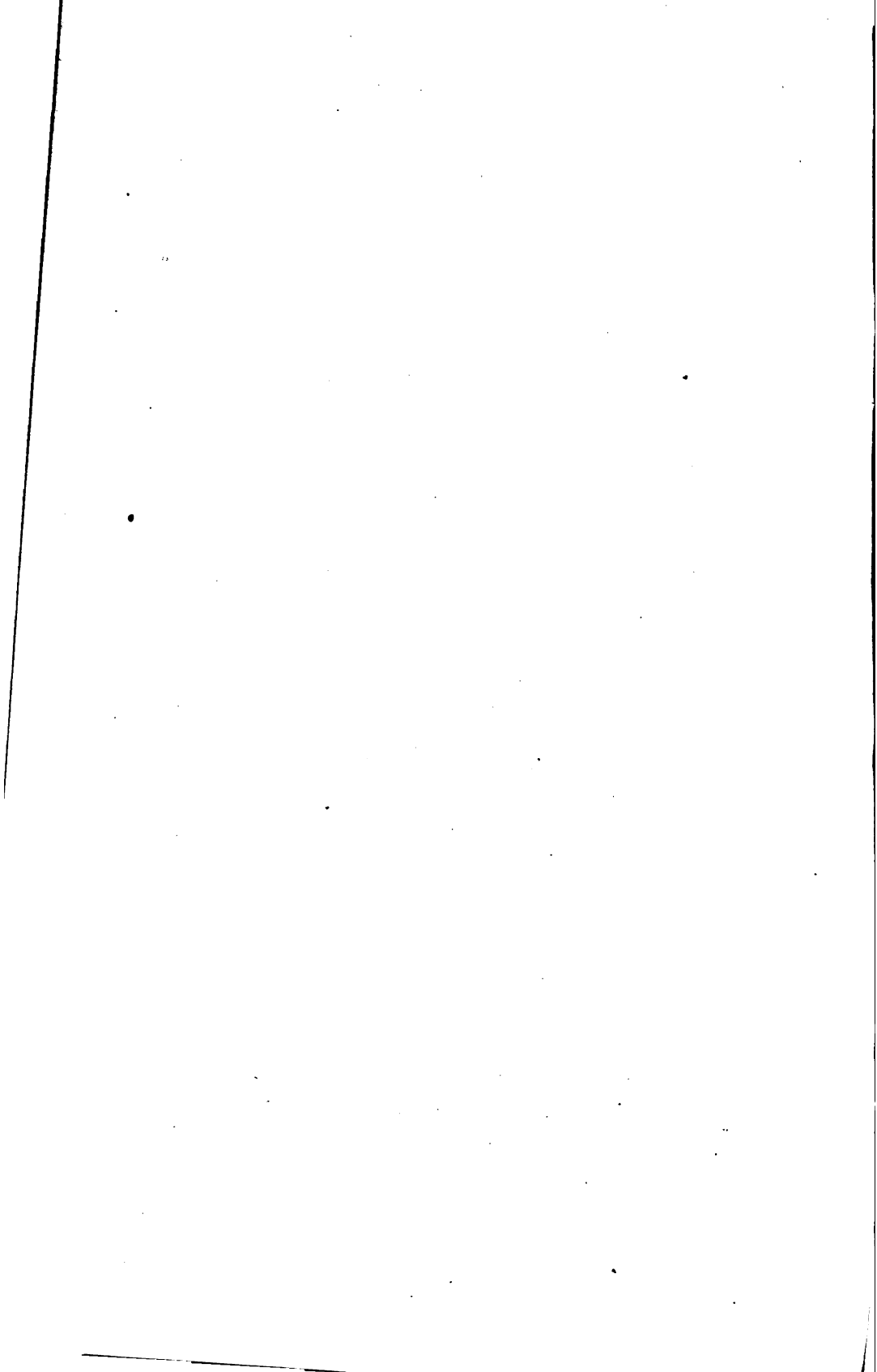
See L. 1909, ch. 400.

Creating cemeteries in Queens county prohibited.

§ 1539-a. After this section as hereby amended takes effect no person, association or corporation shall take by deed, devise, or otherwise any land in the county of Queens for cemetery purposes, nor set apart or use any ground for cemetery purposes in such county. Existing cemeteries, however, shall have the right to use for cemetery purposes, land lawfully taken by recorded deed, or devise and set apart for the purposes of the convenient transaction of their general business, prior to or used therefor, at the time this act takes effect. (*As amended by L. 1910, ch. 702.*)

Majority of boards of departments; quorum; powers.

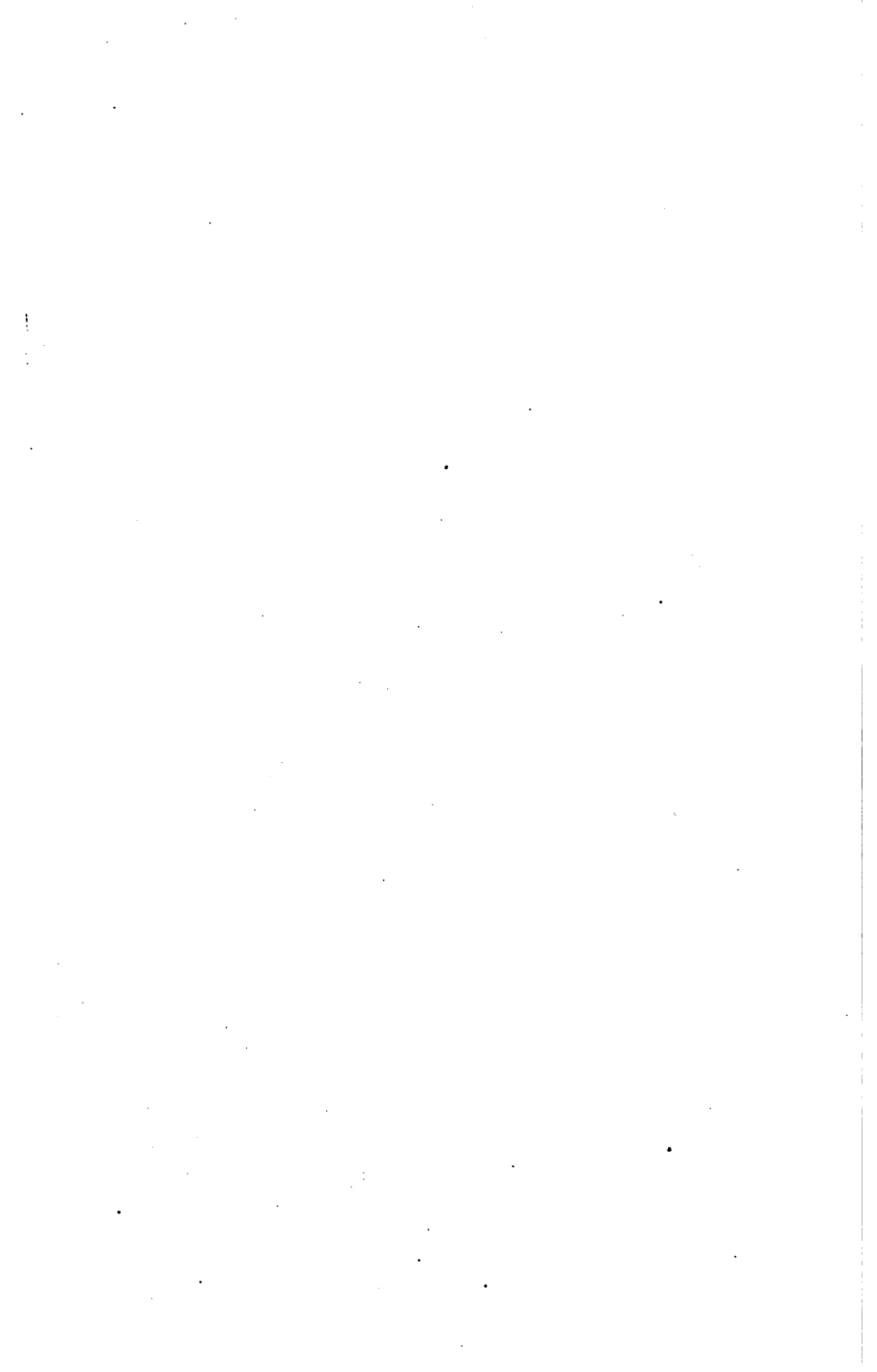
§ 1541. A majority of the members of a board in any department of the city government, and also of the board for the revision



of assessments, shall constitute a quorum to fully perform and discharge any act or duty authorized, possessed by, or imposed upon any department or any board aforesaid, and with the same legal effect as if every member of any such board aforesaid had been present, except as herein otherwise specially provided. Each board may, except as herein otherwise provided, choose, in its own pleasure, one of its members, who shall be its president, and one who shall be its treasurer, and may appoint a chief clerk or secretary. No expense shall be incurred by any of the departments, boards or officers thereof, unless an appropriation shall have been previously made covering such expense, nor any expense in excess of the sum appropriated in accordance with law. This restriction shall not apply to contracts for the purchase of coal which contracts shall not extend for a longer period than one year. (*As amended by L. 1910, ch. 543.*)

Board of health, board of Bellevue and allied hospitals, the commissioner of public charities and the commissioner of correction; powers in relation to physicians and nurses employed in hospitals of city.

§ 1542-a. The board of health, the board of trustees of Bellevue and allied hospitals, the commissioner of public charities, and the commissioner of correction, are, and each of them hereby is, authorized when in its or his judgment it may seem proper, to cause to be removed for medical or surgical treatment in any public or private hospital within the city of New York any nurse or physician who may be employed in any of the hospitals within the charge and control of any of said boards or commissioners, respectively, and who may become ill or disabled on account of any contagious or infectious disease contracted while in the performance of service as such nurse or physician. The reasonable expense incurred for said medical or surgical treatment, together with maintenance, shall, upon certificate of any of said boards or commissioners, respectively, be a charge against the city of New York. The comptroller is hereby authorized to audit and pay charges which may be so certified by any of said boards or commissioners, respectively, to have been incurred since January first, nineteen hundred and nine, and which may hereafter be certified by any of said respective boards or commissioners, respectively, for the fore-



going purposes; and to provide the means necessary to make such payments the comptroller is hereby authorized to issue special revenue bonds in the manner provided by section one hundred and eighty-eight, subdivision seven, of this act. (*Added by L. 1910, ch. 267.*)

City employees; vacations regulated.

§ 1567. The executive heads of the various departments are authorized and empowered to grant to every employee of the city of New York, or of any department or bureau thereof, and of the department of education, a vacation of not less than two weeks in each year and for such further period of time as the duties, length of service and other qualifications of an employee may warrant, at such time as the executive head of the department or any officer having supervision over said employee may fix, and for such time they shall be allowed the same compensation as if actually employed, except that no such vacation shall be granted to per diem employees for longer than two weeks and only during the month of June, July and August. (*As amended by L. 1910, ch. 679.*)

See L. 1909, ch. 559.

**AMENDMENTS TO NEW YORK CITY CONSOLIDATION
ACT (L. 1882, CH. 410) MADE BY THE LEGISLATURE
OF 1910.**

District attorney; residence; assistants.

§ 1503. The district attorney of the county of New York shall receive for his services as such district attorney a yearly salary of fifteen thousand dollars and shall be paid in equal monthly payments. There shall be ten assistant district attorneys for said county, who shall each receive a yearly salary of seven thousand five hundred dollars. The office is so far local as to require the residence of the district attorney and his assistants within the county. (*As amended by L. 1910, ch. 295.*)

Grand jurors; how and by whom selected; certain designated officers to constitute a board.

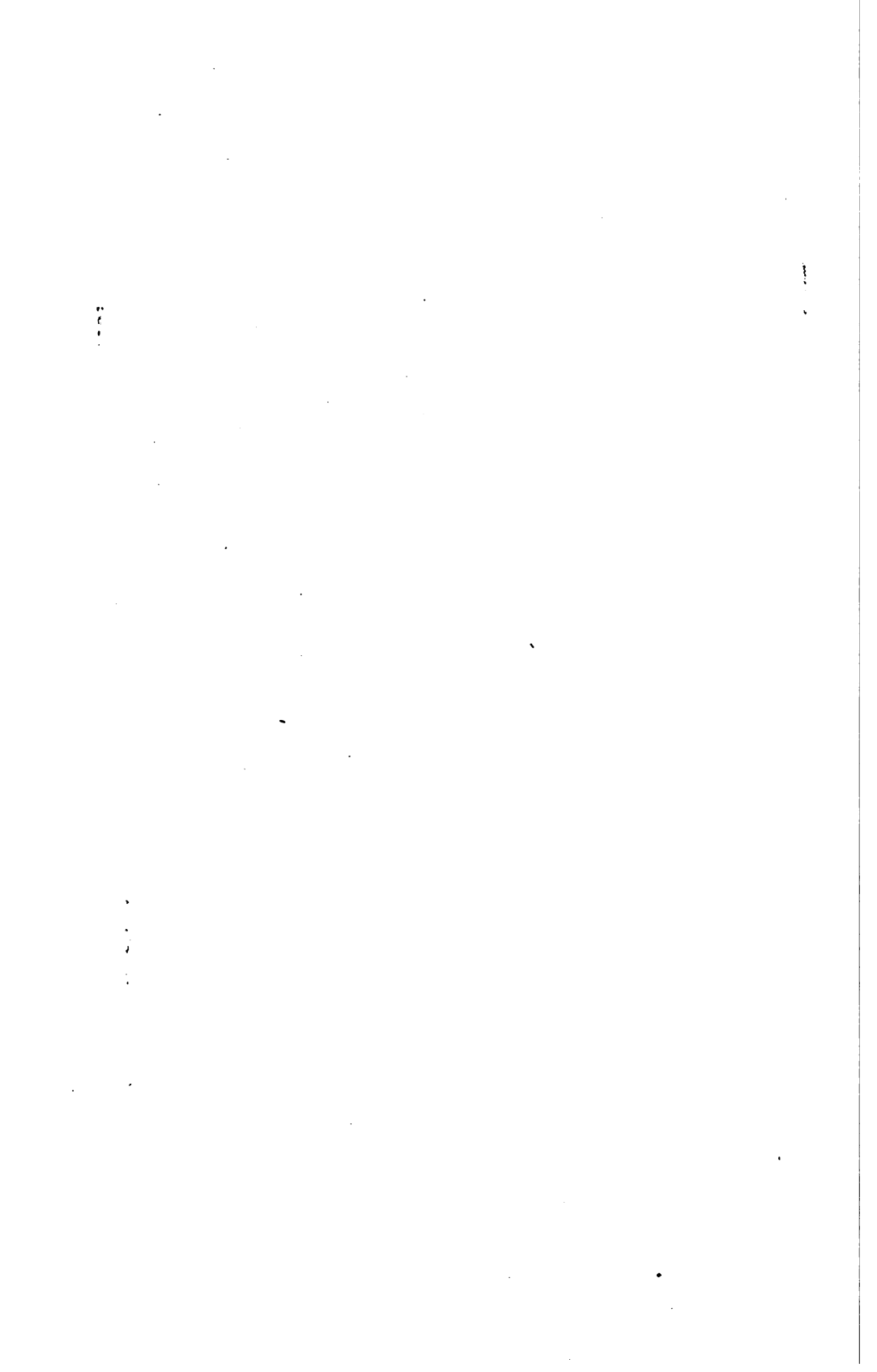
§ 1638. The persons to serve as grand jurors at the terms of the supreme court for the trial of criminal actions, and at the terms of the court of general sessions, to be held in the county of New York, shall be selected from the persons whose names are contained in the lists of trial jurors for the time being for said county by a board to consist of the presiding justice of the appellate division of the supreme court in the first department, the mayor of the city of New York, an associate justice of the said appellate division of the supreme court to be designated by the resident members of such appellate division, and two judges of the court of general sessions to be designated by the judges of the court of general sessions; the designations hereinbefore mentioned to be made by the said justices of the appellate division, and by the judges of the court of general sessions, respectively, in writing, and filed in the office of the clerk of the city and county of New York on or before the first day of November in each and every year. If the said designations, or either of them, shall not be made and filed before the expiration of the time hereinbefore specified therefor, the same may be made and filed at the earliest convenient time thereafter, with the same force and effect as if made and filed before the expiration of the time above specified. (*As amended by L. 1910, ch. 549.*)

Board meetings and quorum.

§ 1639. The said board shall meet at the office of the commissioner of jurors in the county of New York on the last Monday of November in every year. The presiding justice of the appellate division of the supreme court in the first department shall act as chairman; in case of the absence of said presiding justice, the members present, if a quorum, shall elect one of their number as chairman. Three members shall constitute a quorum for the transaction of business, and if a quorum be not present, the board shall adjourn from day to day until a quorum is obtained. (*As amended by L. 1910, ch. 549.*)

Selection of persons to serve as jurors and list to be made.

§ 1641. The said board shall, within fifteen days after the first meeting, select from the list produced by the commissioner of jurors



of persons qualified to serve as jurors in said county, a list of the names of not less than six hundred nor more than twelve hundred persons, to serve as grand jurors of the different terms of the supreme court for the trial of criminal actions and of the courts of general sessions, to be held in said county, until the next list shall be prepared, and the names thereon deposited as hereinafter mentioned. The persons so selected shall be intelligent citizens, of good character, and shall be, so far as the said board may be informed, possessed of the qualifications by law required of persons to serve as jurors for the trial of issues of fact, and not exempted from serving as such jurors. (*As amended by L. 1910, ch. 549.*)

No person to serve unless included in list.

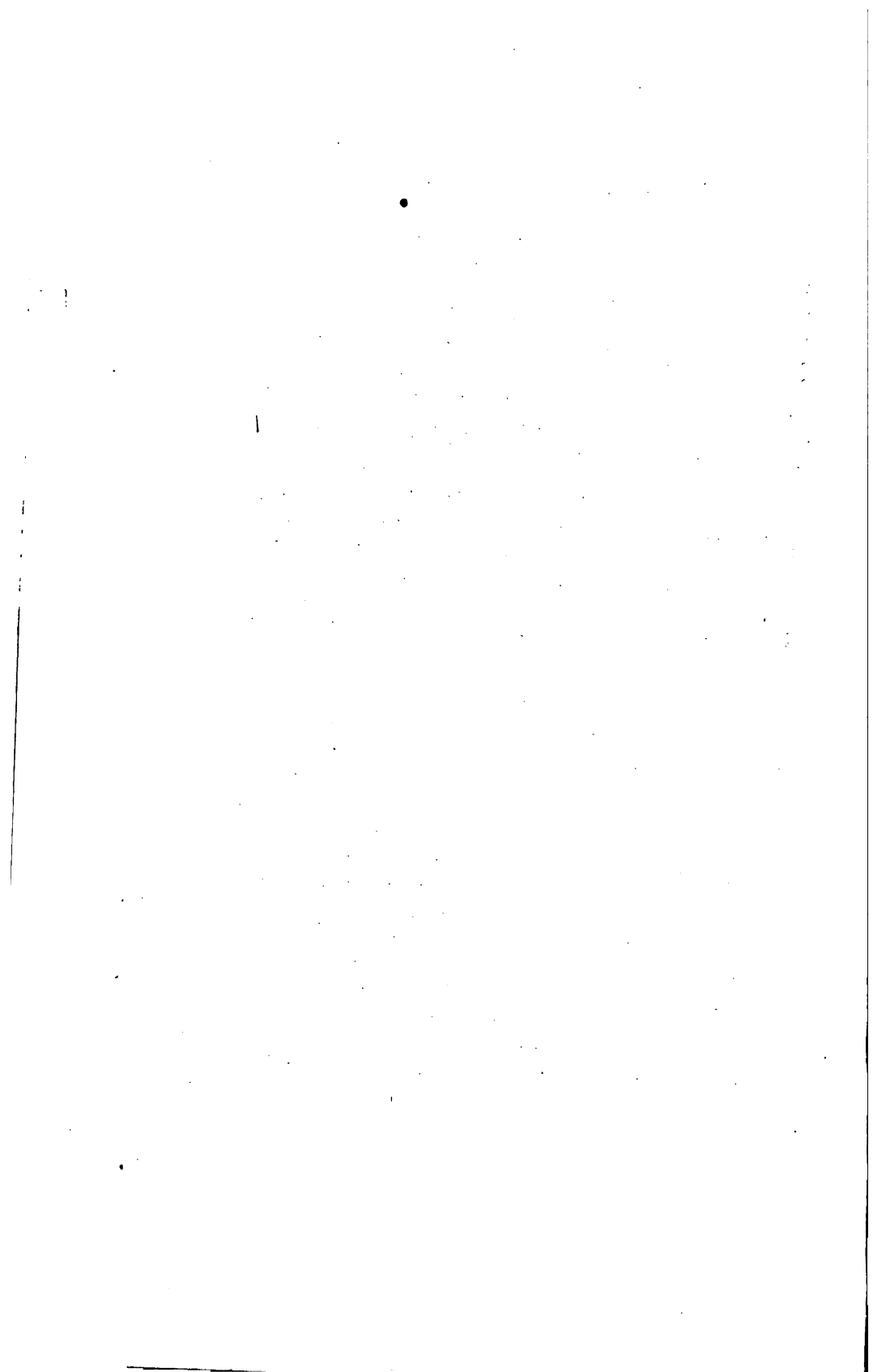
§ 1645. No person shall be summoned to serve as a grand juror at any term of the supreme court for the trial of criminal actions or of the court of general sessions held in the county of New York, except his name shall be included in the list of grand jurors for the time being, selected pursuant to the foregoing sections. (*As amended by L. 1910, ch. 549.*)

Summoning; fines for nonattendance.

§ 1648. Grand jurors shall be summoned in the same manner as petit jurors, and the fines imposed on grand jurors for non attendance shall not be less than fifty dollars nor more than two hundred and fifty dollars, and the same shall be collected or remitted in the same manner as is provided by law in respect to petit jurors. The ballots shall be prepared by the commissioner of jurors, and after being carefully compared with the lists regularly selected, shall be placed in the grand jury box. For the supreme court, in the county of New York, when an order to draw a grand jury is made, unless such order shall otherwise direct, and for the court of general sessions unless an order made by a judge authorized to hold a term of said court, shall otherwise direct, fifty jurors shall be drawn for each grand jury on the same day that the petit jurors, to be empaneled on the same day as such grand jurors are drawn. (*As amended by L. 1910, ch. 549.*)

Drawing of grand jurors.

§ 1649. Grand jurors for said courts shall be drawn by the commissioner of jurors in and for the county of New York, or one



of his assistants, in the presence and with the assistance of the county clerk, or his deputy, the sheriff or under sheriff of said county and one or more judges of a court of record elected in said county. Notice of the time and place of the drawing of each such grand jury shall be given by the said commissioner of jurors to the said county clerk and sheriff and to the clerk of the said court of general sessions and to one or more judges of a court of record elected in said county. Each such grand jury shall be drawn by drawing from the grand jury box so many of the ballots placed therein as above provided, as shall equal in number the grand jury to be drawn. A minute of such drawing shall be kept, containing the names of the persons drawn and specifying for what court and what term they were drawn, which minute must be certified by the officer drawing the same and the officers and judges in whose presence as attending officers and judges for that purpose such drawing was made, and filed in the office of the clerk in said county. (*As amended by L. 1910, ch. 549.*)

